

INTRADEPARTMENTAL CORRESPONDENCE

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TO: The Honorable Board of Police Commissioners

FROM: Chief of Police

SUBJECT: OFFICER-INVOLVED SHOOTING, FID NO. 056-19

Honorable Members:

The following is my review, analysis, and findings for Officer-Involved Shooting (OIS), Force Investigation Division (FID) No. 056-19. A Use of Force Review Board (UOFRB) was convened on this matter on August 31, 2020. I have adopted the recommendations from the UOFRB for this incident. I hereby submit my findings in accordance with Police Commission policy.

SUMMARY¹

On December 1, 2019, at approximately 0151:27 hours, an unknown male called 911 to report that a male, Black (later identified as Lonyea Calloway), was pointing a revolver at passersby near The Rivers apartments, located at 1242 East 7th Street. At 0153 hours, Communications Division (CD) dispatched a "Code Two" radio call.² Comments of the radio call stated "Suspect, male, Black, light blue jeans with backpack, pointing a revolver handgun at passersby, near The Rivers Apartment, on foot, 7th Street towards San Pedro." Additional comments stated, "Suspect is waving handgun in the air" (**Additional/Equipment – Communications Division Radio Broadcast Protocols**).³

Note: Based on a subsequent review from Captain D. Storaker, Serial No. 24229, Commanding Officer, CD, the radio call should have been dispatched as a "Code Three" radio call.⁴

¹ The summary and the investigation completed by FID for this incident have been provided to the Board of Police Commissioners.

² "Code Two" radio call – A radio call accompanied by a "Code Two" designation is an urgent call and shall be answered immediately. The red light and siren shall not be used, and all traffic laws shall be observed (Los Angeles Police Department Manual, Volume No. 4, Section 120.40).

³ Lonyea Calloway, male, Black, 21 years of age, six feet tall, weighed 150 pounds, and date of birth of February 14, 1998. Calloway had a criminal history that included three prior arrests and one conviction for 245(a)(4) of the California Penal Code (PC) Assault with a Deadly Weapon (ADW). Calloway was on summary probation for that offense at the time of the incident.

⁴ "Code Three" radio call – A radio call accompanied by a "Code Three" designation is an emergency call. It shall be answered immediately, but in a manner, which will enable the unit to reach the scene as quickly as possible with safety and is granted only when officers sound a siren as reasonably necessary and the officers' vehicle displays a lighted red lamp visible from the front (Los Angeles Police Department Manual, Volume No. 4, Section 120.40).

According to the FID investigation, Officers M. Rios, Serial No. 42557 and F. Velasquez, Serial No. 42563, Newton Patrol Division, Unit 13A9, were in full uniform and assigned a marked black and white police vehicle in response to the broadcasted radio call. Officers Rios broadcast to CD, "13A9, you can show me enroute to that Code Two call," while they were in the area of Pico Boulevard and Maple Avenue meeting with Officers S. Silos, Serial No. 42869, and J. Martinez, Serial No. 42439, Newton Patrol Division, Unit 13A93 and Officers D. Sosa, Serial No. 42449 and F. Pimentel, Serial No. 42445, Newton Patrol Division, Unit 13A85. While enroute to the radio call location, Officer Rios broadcast to CD, "Does the PR still have eyes on the suspect?" CD responded by broadcasting, "PR has no further information."

According to the FID investigation, as Officers Rios (driver) and Velasquez (passenger) responded north on San Pedro Street approaching 7th Street, Officer Velasquez unholstered his handgun and held it in his right hand with the muzzle pointed downward.⁵

According to Officer Velasquez, he unholstered his service pistol while they approached the area of the radio call based on the *comments of the call* and *under the impression that the suspect was going to be around that area*. As they approached the area, Officer Velasquez believed *Calloway was going to have the upper hand* on them as they were *close to the location* (**Drawing/Exhibiting and Additional Tactical Debrief Topics – Handling of a Service Pistol Inside of Moving Vehicle**).

According to the FID investigation, Officers Rios and Velasquez made a right turn at the intersection of 7th Street and San Pedro Street, and drove east on 7th Street, where they observed a male, matching the radio call description of Calloway, walking west on the south sidewalk of 7th Street. Officer Velasquez observed that Calloway was *grabbing his waistband* area and had increased his pace as he looked back in the direction of Officers Rios and Velasquez.

Note: According to the FID investigation, Officers Rios and Velasquez did not activate their Digital In-Car Video System (DICVS) (**Additional/Equipment – DICVS**).

According to Officer Rios, as he was driving eastbound on 7th Street from San Pedro Street, he *observed a male Black matching the description of the suspect given on the radio call. At which point he was walking westbound on 7th Street towards San Pedro, which was initially also given on the comments of the call that the suspect was last seen going westbound on 7th Street towards San Pedro. That was consistent with the person reporting's statements.*⁶

Officer Rios notified Officer Velasquez that he *believed that was the suspect and initiated a U-turn on 7th Street heading back towards San Pedro Street. Officer Rios observed the suspect look over and appear that he was either picking up his pace or possibly looking for his next route of travel.*⁷

⁵ According to the FID investigation, Officer Rios and Velasquez were not equipped with a shotgun or a beanbag shotgun.

⁶ Officer Rios, Page 7, Lines 1-9.

⁷ Officer Rios, Page 7, Lines 16-18.

According to Officer Rios, he observed that Calloway had a *bulky large item, possibly a firearm in his left front pocket.*

According to Officer Velasquez, he placed their unit Code Six via the Mobile Data Computer (MDC) as they were initially driving north on San Pedro Street.

According to Officer Rios, he believed Officer Velasquez placed them Code Six just prior to their contact with Calloway, via the MDC, as Officer Rios observed Officer Velasquez *was on the computer.* Officer Rios added that they did not communicate to each other that they were Code Six, but *it's also implied, just based off of our experience.*

Note: Based upon the FID review of the incident recall for this radio call or radio broadcast, there was no corresponding MDC transmission or radio broadcast from Officers Rios or Velasquez indicating that they were Code Six (**Debriefing Point No. 1 – Code Six**).

According to Officer Rios, he informed Officer Velasquez that he believed Calloway was the suspect from their radio call and Officer Rios conducted a U-turn from eastbound 7th Street to westbound 7th Street to initiate contact.

According to the FID investigation, Officers Rios and Velasquez conducted a U-turn, and drove west to the intersection of 7th Street and San Pedro Street where they had last observed Calloway. Officers Rios and Velasquez observed Calloway standing on the southeast corner of 7th Street and San Pedro Street in front of the Green Apple Market, located at 600 East 7th Street (**Debriefing Point No. 2 – Back-Up Request**).⁸

According to Officer Rios, *I was putting that information out to my partner. At that time my priority was safety, because he was coming in our direction. As far as additional Units and back-ups, I was pretty comfortable with the units we had at the time. I would sacrifice that over my safety at the time because of the timing.*⁹

According to the FID investigation, Officers J. Mata, Serial No. 40829 and K. Bendimez, Serial No. 41901, Newton Patrol Division, Unit 13A13, were monitoring Newton frequency when they heard Officers Rios and Velasquez receive a radio call of a “415 man” and responded to the area to assist.¹⁰ Officers Mata and Bendimez were unaware that the suspect was reported to be armed.

Note: The FID investigation revealed that Officers Mata and Bendimez did not notify CD of their status while enroute to the radio call via the MDC or by broadcasting it over the radio (**Additional Tactical Debrief Topics – Updating Status**).

⁸ Back-up Unit Request – An emergency call shall be broadcast when an officer requires additional units immediately, but the situation does not rise to the level where serious bodily injury, death or serious threat to public safety is imminent (Los Angeles Police Department Manual, Volume No. 4, Section 120.40).

⁹ Officer Rios, Page 42, Lines 18-23.

¹⁰ The term 415 was a commonly used code term derived from the California Penal Code, Section 415 which is a Disturbing the Peace violation.

According to Officer Mata, they heard a radio call come out of a “415 man” and heard that Officer Rios and Velasquez were assigned to the radio call. Officer Mata stated they were *close by so we started driving in that area*. As Officers Mata and Bendimez were driving northbound on San Pedro Street approaching 7th street, they observed Officers Rios and Velasquez’s police vehicle *driving past us so we just kind of followed them*.

According to Officer Bendimez, they responded to assist Officers Rios and Velasquez but Officer Bendimez was not sure what *the call was*. Officer Bendimez stated, *I was attempting to pull up the incident on the MDC, but it takes some time with this new system, because there’s, like, multiple screens, and I’m not used to it.*¹¹ *And so we arrived to 7th and San Pedro Street prior to me even being able to look up the incident and be able to give my partner any of the comments of the call or anything.*¹² Officer Bendimez added that she did not go Code Six as she *was still trying to pull up the incident. And, also, was trying to catch up to the police vehicle who was, in front of us.*¹³

Note: According to the FID investigation, Officers Mata and Bendimez did not notify CD of their Code Six status upon arrival (**Debriefing Point No. 1 – Code Six**).

According to the FID investigation, as Officers Mata and Bendimez drove north on San Pedro Street, they observed Officers Rios and Velasquez in their police vehicle turn eastbound onto 7th Street and made a U-turn.

According to Officer Bendimez, as they turned and drove eastbound on 7th Street, she observed Officers Rios and Velasquez conduct a U-turn on 7th Street and followed. *At that time, the driver, which was Officer Rios, pointed to the southeast corner (7th Street and San Pedro Street) as if to indicate the location of Calloway or to look in that direction.*

According to Officer Rios, as he turned south onto San Pedro Street from 7th Street, he observed Calloway standing south of the intersection, on the east sidewalk, near a metal electrical box, and next to the curb line of San Pedro Street. Officer Rios drove past Calloway, conducted a U-turn on San Pedro Street and positioned their vehicle in a northeast direction facing Calloway, who was standing approximately 36 feet away with his back facing the officers. As Officer Rios exited the police vehicle, *it appeared that Calloway was trying to hide something. He had his hands in his pockets and it looked like he was looking around for a possible location to run. In addition to matching the description and the comments of the call, I also observed what is pretty consistent with individuals who carry firearms out here.*¹⁴ Officer Rios believed Calloway *could have pulled a firearm at any moment, turned back and fired*. Officer Rios unholstered his service pistol, held it with his right hand and pointed it at a low-ready position towards Calloway’s *mid-section* (**Drawing/Exhibiting and Additional Tactical Debrief Topics – Tactical Communication**).

¹¹ According to the FID investigation, The Premier One operating system for MDC applications began October 22, 2019.

¹² Officer Bendimez, Page 10, Lines 3-8.

¹³ Officer Bendimez, page 11 Lines 5-7.

¹⁴ Officer Rios, Page 24, Lines 16-19.

According to the FID investigation, Officers Rios and Velasquez stated they gave verbal commands to Calloway, which they believed he heard.

According to Officer Velasquez, *right away, I jump out and I start giving the suspect commands to head towards the wall on the right side of where he was at. Calloway acknowledged Officer Velasquez by stating "Are you talking to me?" Officer Velasquez replied, "Yes, I'm talking to you."*

Note: The FID review of Body Worn Video (BWV) depicted Officer Velasquez holding his service pistol in his right hand while seated in his police vehicle. Officer Velasquez used his right pinky finger to manipulate the interior passenger door latch to open the door **(Additional Tactical Debrief Topics – Performing Other Tasks While Holding a Service Pistol).**

According to Officer Rios, *upon exiting his vehicle, my partner (Officer Velasquez) gives him commands. I give him commands to come back. He (Calloway) did not comply and ran northbound on San Pedro Street (Additional Tactical Debrief Topics – Simultaneous Conflicting Commands).*

According to the FID investigation, Officers Rios and Velasquez stated they initiated a foot pursuit and followed Calloway in containment mode running with their service pistols drawn in their right hands.

According to Officer Rios, as Calloway fled on foot, Officer Rios looked at Officer Velasquez and gave *him a nod*.¹⁵ Officer Rios *made the determination to give chase on foot for containment mode given that we had other units already present in their police vehicle. And I believe that we had some advantage of being on foot in the event that he did go through alleys or began jumping through walls.*¹⁶ Officers Rios did not broadcast that they were in foot pursuit as he was the *primary in the foot pursuit*. Officer Rios *looked back and ensured that Officer Velasquez was also running after Calloway. Officer Rios followed Calloway not directly behind, but I follow the path of travel that the suspect takes as I -- as I am in containment mode during this foot pursuit.*¹⁷ Officer Rios did not give Calloway any commands during the foot pursuit as he was *giving him space because of the containment mode that we were in... it was more of me seeing his direction of travel to set up a perimeter containment for this individual.*¹⁸ As Officer Rios *continued southbound onto Crocker from 7th Street, he heard the engines of the additional units revving and believed that they were continuing chase of the suspect. After believing the additional units in their police vehicle were also chasing Calloway, Officer Rios continued in attempt to set up containment mode for the suspect in the event that there was an*

¹⁵ According to the FID investigation, Officer Rios ran in front of Officer Velasquez and maintained a distance of approximately 102 feet behind Calloway. Officer Velasquez was approximately 56 feet behind Officer Rios. Officer Rios heard his partners *footsteps* behind him and knew he was *close enough where I can hear him and render aid, if needed.*

¹⁶ Officer Rios, Page 32, Lines 4-9.

¹⁷ Officer Rios, Page 10, Lines 6-9.

¹⁸ Officer Rios, Page 68, Lines 8-9.

*alleyway or a street that he could have possibly turned on (Additional Tactical Debrief Topics – Running with a Service Pistol Drawn).*¹⁹

According to Officer Velasquez, he and Officer Rios were trying to *contain* Calloway and attempted to keep a *distance long enough* to where they believed was *safe*, while still having the ability to see Calloway so they *could set up a perimeter (Debriefing Point No. 3 – Foot Pursuit – Apprehension vs. Containment Mode / Pursuing Armed Suspect and Additional Tactical Debrief Topics – Running with a Service Pistol Drawn).*

Note: The FID investigation did not identify any radio broadcast from Officers Rios or Velasquez to CD or nearby units updating their status or to coordinate containment.

According to Officer Velasquez, he did not broadcast that they were in foot pursuit and stated that Officer Rios also did not broadcast that they were in foot pursuit. Officer Velasquez did recall that once Calloway started running away, *my partner and I kind of saw each other and -- and since we've been working so long with each other, we kind of know that we were going to chase this man.*²⁰ Officer Velasquez added, *when he fled from us, we attempted to keep a distance long enough to where we deemed safe, but at the same time, we were still able to see where his location was, where he was going to be, so we could set up a perimeter for the suspect (Debriefing Point No. 4 – Foot Pursuit Broadcast).*²¹

Note: According to the FID investigation, when Officers Rios and Velasquez ran after Calloway, they left their police vehicle unsecured with the driver and passenger door open at the intersection of 7th Street and San Pedro Street **(Additional Tactical Debrief Topics – Securing a Police Vehicle).**

According to Officer Rios, he *remembered leaving his door open* and did so as he *was using the door as cover at the time. And I had my firearm in my right hand, and I wanted to keep the firearm directed towards the threat at the time, didn't want to holster my weapon and close the door and then unholster.*²²

According to the FID investigation, Officers Mata and Bendimez observed Calloway run north on San Pedro Street, east on 7th Street, and south on Crocker Street, with Officers Rios and Velasquez following behind Calloway in a foot pursuit. Officers Mata and Bendimez did not know why the officers were chasing Calloway and chose to follow him in their vehicle rather than join the foot pursuit.

Note: According to the FID investigation, Officers Mata and Bendimez did not activate their police vehicle's DICVS **(Additional/Equipment – DICVS).**

¹⁹ Officer Rios, Page 10, Lines 18-21.

²⁰ Officer Velasquez, Page 13, Lines 12-14.

²¹ Officer Velasquez, Page 17, Lines 22-25, Page 18, Line 1.

²² Officer Rios, Page 72, Lines 21-25, Page 73, Line 1.

According to Officer Mata, as they were driving in their police vehicle making a southbound turn onto San Pedro Street from 7th Street, he observed Officers Rios and Velasquez *all of a sudden* exit their police vehicle and start *yelling commands at some individual but didn't even know who he was talking to or what they're going to be engaged in*. Officer Mata observed a *male Black* take off *running eastbound on 7th Street from San Pedro Street*. *I immediately started going after him when I started seeing – when I saw the officers run after him*. Officer Mata observed Calloway run at a *high rate of speed* and turn *southbound on Crocker Street*.

According to Officer Silos, they heard a radio broadcast of a *man with a gun, running around the street* and drove to the area of 7th Street and San Pedro Street to see if *the primary unit needed some help*. As they drove eastbound on 7th Street and approached San Pedro Street, they saw *the primary unit in a foot pursuit with the suspect matching the description of a male Black, blue over blue*. *And then another unit in front of us making a southbound turn onto Crocker Street, so then we decided to follow the other black and white*. *The other black and white pushed forward mid-block to try to cut off the suspect.*²³

According to Officer Martinez, she heard a radio broadcast of a *415 man with a gun*. While enroute to the area, Officer Martinez stated she *did not get a chance to read the comments of the call* but recalled the broadcast stating that the *suspect was waving a handgun*. Officer Martinez stated that she had *a hard time figuring out how to look up the new MDC*.²⁴ As Officers Silos and Martinez drove eastbound on 7th Street towards the intersection of San Pedro Street and 7th Street, Officer Martinez observed a police vehicle traveling eastbound 7th Street with its *amber lights on*. Officer Martinez then observed *two officers running in an eastbound direction on 7th Street, approaching Crocker Street*. Officer Martinez stated they had made a southbound turn onto Crocker Street and observed the suspect running with a *gun on his right hand*. *As they drove southbound on Crocker Street, Officer Martinez's intention was to follow him (Calloway) at a distance and keep eyes on him in case he jumped over the wall or sinks underneath something*. **At that point, we can set up a perimeter (Additional Tactical Debrief Topics – Updating Status and Debriefing Point No. 1 – Code Six).**²⁵

Note: According to the FID investigation, Officers Silos and Martinez did not notify CD that they were responding to the call with Officers Rios and Velasquez, nor did they notify CD of their Code Six status. Additionally, as Officers Silos and Martinez drove east on 7th Street through the intersection of San Pedro Street, they failed to stop for the red tri-light **(Additional Tactical Debrief Topics – Adherence to the Vehicle Code while Responding to a Radio Call)**.

In addition, Officers Silos and Martinez did not activate police vehicle DICVS **(Additional/Equipment – DICVS)**.

According to the FID investigation, as Calloway continued to run south on Crocker Street, Officers Mata and Bendimez attempted to contain Calloway by driving past him approximately

²³ Officer Rios, Page 9, Lines 7-14.

²⁴ According to Office Martinez, he had been working with the new MDC for three weeks.

²⁵ Officer Martinez, Page 4, Lines 9-12.

79 feet, angled their police vehicle towards the west curb, and stopped in Calloway's pathway. This action caused Calloway to stop running, turn around, and run northbound on the west sidewalk towards Officers Rios and Velasquez. Once stopped, Officers Mata and Bendimez immediately exited their police vehicle and heard approximately two gunshots (**Debriefing Point No. 5 – Tactical Vehicle Deployment**).

According to Officer Mata, as he and Officer Bendimez drove southbound on Crocker Street, they *pulled up* as Calloway was *coming around* with the intent to *cut him* (Calloway) *off* so that they could *contain* Calloway. Officer Mata drove past Calloway and *parked close to the west curb*. As they exited their police vehicle, Officer Mata observed that *the suspect had doubled back* and *that's when Officer Mata heard a gunshot*.

According to Officer Bendimez, as they were driving their police vehicle trying catch up to Calloway, their plan was to *try to beat him and cut him off*. *We definitely weren't gonna get out of the car and start chasing him.*²⁶ *We decided to contain the subject by passing him up and seeing if that would make him stop his direction of travel.*²⁷ After Calloway began running northbound, Officer Bendimez recalled hearing two *consecutive* gunshots that *sounded like it was from the same gun*.

According to Officer Silos, as they drove south onto Crocker Street, he observed Calloway running northbound on the west sidewalk, with a handgun in his *right hand*. Officer Silos estimated that he was approximately *one car length* or *ten feet* behind Calloway when he made this observation. Officer Silos described the handgun as having a *wooden handle* with a *long silver barrel*. While seated in his police vehicle, Officer Silos heard a "pop" sound that he believed to be a *gunshot*. Officer Silos exited his police vehicle and walked towards the rear of the police vehicle where he observed Officers Rios and Velasquez with their service pistols drawn and Calloway on the ground. Officer Silos heard an officer yelling at Calloway to "Drop the gun," and then drew his service pistol (**Drawing/Exhibiting**).

Note: The FID investigation revealed that Officers Silos and Martinez left their side-handle batons in their police vehicle at the time of the incident. Officer Martinez also left her Hobble Restraint Device in the police vehicle at the time of the incident (**Additional/Equipment – Required Equipment**).

According to Officer Martinez, as they made a *southbound turn* onto Crocker Street, she observed *another police vehicle in front of us*. *And we're approximately approaching mid-block of the street, and I look over to my right and just past the fire hydrant, closer to the other police car, I see the suspect running southbound with a gun in his right hand.*²⁸ Officer Martinez observed *the police vehicle in front of us turn to the right as trying to cut him off, and then I see the suspect turn around and he's running back northbound.*²⁹ Officer Martinez observed that when Officer Silos stopped the police vehicle, Calloway was *parallel to us running northbound*

²⁶ Officer Bendimez, Page 18, Lines 9-11.

²⁷ Officer Bendimez, Page 14, Lines 20-22.

²⁸ Officer Martinez, Page 11, Lines 22-25, Page 12, Line 1.

²⁹ Officer Martinez, page 11, Lines 2-4.

and saw that Calloway was holding a handgun in his *left hand*. After having observed Calloway holding a handgun and believing the *tactical situation could lead to where the use of deadly force may be justified*, Officer Martinez unholstered her service pistol. From her open passenger side window, Officer Martinez *ordered Calloway to stop running (Drawing/Exhibiting and Additional Tactical Debrief Topics – Initiating Contact While Seated in Police Vehicle)*.

Based on the FID review of BWV, Officers Rios and Velasquez turned south on Crocker Street, ran a short distance on the west sidewalk before transitioning into the street, and stopped approximately 118 feet south of 7th Street.

Officer Velasquez indicated that as he turned south on Crocker Street, he briefly lost sight of Calloway for a *second or two*.

According to Officer Rios, as he made the southbound turn onto Crocker Street from 7th Street, he was approximately *five to six car lengths* away from Calloway and lost sight of *him for a few seconds*. Officer Rios added that he maintained the same speed while pursuing Calloway and *didn't slow down and stop until I observed the suspect turn in my direction*.

According to the FID investigation, Officers Rios and Velasquez both advised that once they turned the corner onto Crocker Street, they did not believe they had any cover.

According to Officer Velasquez, *we were standing with our guns out and slightly -- I recall looked to trying to find cover, but because it was such an open area, and I see him dashing towards us. There was just a street and a sidewalk and then no vehicles there or nothing to -- just me. Just I could see him and he could see me.*³⁰

According to Officer Rios, *there was nowhere for me to redeploy without me turning my back to this – even then there wouldn't be anywhere to get cover. There was no vehicles around or any hard barriers I could use for cover.*³¹

Note: The FID investigation revealed that Officer Rios' BWV depicted a telephone pole approximately 11 feet southwest from his position at the time that Officer Rios stopped running (**Additional Tactical Debrief Topics – Utilization of Cover**).

According to the FID investigation, Officers Rios and Velasquez slowed their pace and stopped in the street while Calloway continued to run towards them. Officer Velasquez was positioned a few feet to the left (east) of Officer Rios. The FID investigation revealed that Officer Velasquez appeared to momentarily cover Officer Rios with his service pistol as Officer Velasquez approached Officer Rios on Crocker Street. As Calloway continued to run north on the west sidewalk towards Officers Rios and Velasquez, who had stopped approximately 118 feet south of 7th Street, Calloway became illuminated by an overhead streetlight. Officer Rios observed that Calloway was holding a handgun. Officers Rios and Velasquez gave Calloway commands to stop,

³⁰ Officer Velasquez, Page 34, Lines 14-22.

³¹ Officer Rios, Page 43, Lines 5-10.

however, Calloway continued to run towards them (**Additional Tactical Debrief Topics – Basic Firearms Safety Rules**).

According to Officer Rios, he stated to Officer Velasquez, *“He has a gun!”* As Calloway approached, Officer Rios could see a *firearm in his left hand, and he was closing distance pretty quickly with the firearm in his hand, and I told him, I gave him commands to stop, and he did not stop.*³² Officer Rios observed Calloway’s handgun located *mid-waist and coming up.* Officer Rios believed his life was *in eminent danger* and that Calloway was *going to use a firearm on me, and I don't think there was anything else I could have done.* Officer Rios *placed his sights in the center mass of the suspect and fired one round.*³³ Calloway continued forward one to two steps and stumbled to the ground, landing on his stomach with his head facing north. Officer Rios assessed and *did not shoot a second or additional rounds* because he *believed that the first initial round had stopped the threat from continuing* (**Lethal Force and Additional/Equipment – Profanity**).

According to Officer Velasquez, as Calloway ran towards him, Officer Velasquez gave Calloway a command to *“Get on the fucking floor now!”* Officer Velasquez also believed that Officer Rios told Calloway to *“Get on the floor.”* Calloway ignored the commands and continued to run towards him. As Calloway *is running, and with the revolver in his right hand, actually points it towards me and my partner.* This caused Officer Velasquez to *think that I might not see my family no more, because he's closing the distance.* Officer Velasquez recalled that *I just see just his gun facing at me, and I -- and I hear him shoot.*³⁴ *At which point, fearing for my life and safety of myself and my partner, I shoot back at him.*³⁵ *Then I see Calloway collapse to the ground* (**Lethal Force**).³⁶

Note: Immediately following the OIS, Officer Velasquez activated his BWV (**Additional/Equipment – BWV**).

The FID review of Officer Rios’ BWV depicted Officer Velasquez momentarily utilizing his flashlight to illuminate the west sidewalk as Calloway ran towards Officers Rios and Velasquez. This lighting illuminated an unknown person sitting on the sidewalk, against the east wall of the business, located at 717 Crocker Street in the background of Calloway.

According to Officer Rios, as Calloway ran towards them, he *saw a figure* that became illuminated prior to the OIS and *knew that this person was not immediately behind the suspect who I was firing upon* and believed the *angle was sufficient that the citizen was not in a direct line of fire* (**Additional Tactical Debrief Topics – Background/Situational Awareness**).

³² Officer Rios, Page 43, Lines 23-25, Page 44, Line 1.

³³ The FID investigation determined the distance to be approximately 54 feet.

³⁴ According to Officer Velasquez, he believed Calloway shot at him from a distance of approximately 20 to 25 feet. The gunshot Officer Velasquez heard and attributed to Calloway was fired by Officer Rios.

³⁵ The FID investigation revealed that Officer Velasquez fired his service pistol approximately 1.66 seconds after Officer Rios and from a distance of approximately 44 feet. Neither round struck Calloway. Calloway did not discharge a handgun during this incident.

³⁶ Officer Velasquez, Page 14, Lines 13-17.

According to Officer Velasquez at the time of the OIS, *he did not see that person* and he recalled seeing a *black gate* immediately behind the suspect.

According to Officer Rios, he broadcast on Newton frequency, “*13A9 shots fired, Officer needs help*” (**Additional Tactical Debrief Topics – Location/Situational Awareness**).³⁷

According to Officer Bendimez, she broadcast to CD that their location was *7th and Crocker*. Officer Bendimez walked towards Calloway to take him into custody. Officer Bendimez stated she believed that the *tactical situation could escalate to the use of deadly force, due to the fact that shots had been fired at that time*.³⁸ *So, at that point, I drew and exhibited my firearm*.³⁹ *I unholstered it and held it at a low ready with the two-handed grip -- just in case I would need to assist in being cover officer for another officer taking the subject into custody* (**Drawing/Exhibiting**).⁴⁰

According to Officer Mata, he ran over to Officers Rios and Velasquez after the OIS. When Officer Mata reached Officers Rios and Velasquez, he *didn't know if Calloway had shot or the officers had shot*. Officer Mata recalled *I just heard some gunshots and I didn't know who had shot*. Believing that that *tactical situation may escalate*, Officer Mata unholstered his service pistol (**Drawing/Exhibiting**).

The FID review of BWV depicted Officer Silos stating “*Don't touch shit. Don't fucking move,*” as he approached Calloway to take him into custody (**Additional/Equipment – Profanity**).

According to the FID investigation, Officers B. Vildosola, Serial No. 42478, and K. Ruiz, Serial No. 42076, Newton Patrol Division, arrived at scene. At 0203 hours, Officer Vildosola requested a Rescue Ambulance (RA) for Calloway as he believed Calloway had been injured as a result of the OIS. The Los Angeles Fire Department (LAFD) attempted to examine Calloway, but Calloway refused. Calloway sustained no injury as a result of the OIS.

Note: According to the FID investigation, Officers Vildosola and Ruiz, while driving a police vehicle, responded to the incident without their emergency equipment activated. DICVS footage from their police vehicle recorded the police vehicle traveling through an unidentified intersection during the red tri-light phase as they responded to the incident (**Additional/Equipment – Adherence to the Vehicle Code while Responding to a Help Call without Emergency Equipment**).

³⁷ According to the FID investigation, the location of the OIS was approximately seven blocks away from the location of the radio call.

³⁸ Officer Bendimez, Page 19, Lines 24-25, Page 20, Lines 1-2.

³⁹ Officer Bendimez, Page 19, Lines 19-22.

⁴⁰ Officer Bendimez, Page 21, Lines 13, 16.

According to the FID investigation, Calloway's handgun was recovered from the sidewalk in front of 717 Cocker Street and was found lying on its left side, muzzle pointing north, with the hammer in the forward position.⁴¹

According to Officer Rios, he observed Calloway's revolver on the ground near a black metal gate, inches from Calloway's left foot. Officer Rios recalled, *the left side of his body was against that black fence on the west side of the street. And the firearm was just to the left of his foot along the black fence.*⁴²

According to Officer Velasquez, he stated that he did not see the handgun until Calloway was in custody and was moved away from the location. Officer Velasquez then observed the handgun by the same black metal gate. Officer Velasquez stood by the handgun until he was relieved by Officer Vildosola.

According to Officer Bendimez, after Calloway was in custody, she walked back towards her police vehicle as she remembered that her *car was not secure*. Officer Bendimez recalled, *I wanted to make sure that our vehicle was secured, because I realized that we had stopped our vehicle right next to a bunch of tents, and I didn't want anybody to take off in our car. I wasn't sure if the engine was still running. So I -- I hurried up to our car and -- and secured it. I ended up moving the car closer to where the suspect was taken into custody so that I could keep a clear vantage point of it and securing it (Additional Tactical Debrief Topics – Integrity of the Crime Scene and Securing a Police Vehicle).*⁴³

Note: BWV depicted both the driver and front passenger doors of Officer Bendimez' police vehicle were open. Officer Bendimez moved her police vehicle closer to the crime scene by driving it 83 feet north from its original location and secured it in the roadway.

According to the FID investigation, Sergeant R. Aguirre, Serial No. 39852, Central Patrol Division, arrived at scene and met with Officers Rios and Velasquez, who identified themselves as being involved in the OIS. Sergeant Aguirre separated Officers Rios and Velasquez and admonished them not to talk about the incident and directed other officers to set-up the crime scene and secure the area.

According to the FID investigation, Sergeant J. Lobo, Serial No. 39766, Newton Patrol Division, arrived and assumed the monitoring responsibilities of Officers Rios and Velasquez. Sergeant Lobo obtained Officer Velasquez' Public Safety Statement and assumed the role of Incident Commander, but never broadcast that information (**Additional/Equipment – Incident Commander Declaration**).

⁴¹ Calloway admitted to possessing a handgun (.38 caliber, Smith & Wesson, six-shot, revolver, Serial No. 702969) and attempting to discard it as he ran towards Officers Rios and Velasquez. The revolver was loaded with five live rounds in the cylinder. One of the chambers of the cylinder was empty.

⁴² Officer Rios, Page 71, Lines 5-9.

⁴³ Officer Bendimez, Page 26, Lines 8-16.

According to the FID investigation, Sergeant C. Burke, Serial No. 36665, Newton Area, arrived and assumed the monitoring responsibilities of Officers Rios and Velasquez and obtained a Public Safety Statement from Officer Rios.

Note: Sergeant Lobo recorded a portion of Officer Velasquez' PSS on BWV until he was advised by Sergeant Burke to stop recording (**Additional/Equipment – Recording Public Safety Statement**).

According to Sergeant Lobo, when asked why he recorded part of the Public Safety Statement, Sergeant Lobo recalled that with the fluidity of the incident, he had *tunnel vision* and *wasn't aware* that his *camera was on*. Sergeant Lobo acknowledged he should not have had his *BWV activated* while obtaining a PSS.

According to the FID investigation, Officer Bendimez identified herself and Officer Mata as witnesses, Sergeant Lobo advised them that they needed to be separated. Sergeant Burke then escorted them north on Crocker Street to 7th Street to provide monitoring and separation. Officers Bendimez and Mata had not maintained separation and were depicted on BWV talking about their actions and observing Calloway run with a possible phone. Sergeant Lobo was standing nearby, approached the officers, and reminded them that they needed to remain separated. Officer Bendimez jokingly stated to him that she was talking about the "Dodgers."

According to Officer Bendimez, when asked by FID investigators about discussing the incident with Officer Mata prior to her FID interview, she recalled a discussion regarding *backing the unit* and Sergeant Lobo stating to her "Hey you guys...make sure you don't talk about anything." Sergeant Lobo further advised her, "We don't want anybody to get in trouble. There's cameras everywhere."⁴⁴ When asked if she had been admonished not to discuss the incident prior to this conversation or had been provided a PSS, Officer Bendimez responded with "No."

Note: Officer Bendimez's BWV depicted her standing on the corner of 7th Street and Crocker Street next to Officer Mata where they were engaged in a conversation. Sergeant Lobo was observed walking over to Officers Mata and Bendimez and directing them to move to a new location and to remain separated. Officer Bendimez responded to Sergeant Lobo stating, "We were talking about the Dodgers." This issue was brought to the attention of Captain Goddard who advised that this issue would be addressed by the initiation of a personnel complaint for Officer Bendimez.

According to Officer Mata, he recalled Officer Bendimez identifying herself and him (Officer Mata) as witnesses to Sergeant Lobo. Sergeant Lobo *then pulls us toward like the back end. He puts us – we're all like in a little group.*⁴⁵ Officer Bendimez then asked Officer Mata, *hey did you see like that little light thing on his phone. I didn't know if it was like a light or a cellphone.*

⁴⁴ Officer Bendimez, Page 30, Line 25, Page 31, Lines 1-6.

⁴⁵ Officer Mata, Page 10, Lines 2-4.

*I said yeah, I didn't know. I couldn't tell.*⁴⁶ Officer Mata then recalled Sergeant Burke *kind of separates us. Tells us not to talk.*⁴⁷

According to the FID investigation, after Calloway was arrested, Sergeant Lobo directed Officers Silos and Martinez to transport Calloway to Newton Station (**Additional Tactical Debrief Topics – Protocols Subsequent to a Categorical Use of Force - Transportation**).

According to Sergeant Lobo, he was not aware that Officers Silos and Martinez were percipient witnesses to the OIS when he directed them to transport Calloway. Sergeant Lobo *was made aware that they were percipient witnesses at Newton Station after they had transported the suspect.*⁴⁸

Captain H. Mohammadi, Serial No. 36506, Commanding Officer, Newton Patrol Division, notified the Department Operation Center (DOC) of the OIS, which exceeded the 30-minute DOC notification requirement (**Additional/Equipment - DOC Notification**).

Calloway was arrested for Section 245(d)(1) PC, ADW on a Peace Officer with a handgun, under Los Angeles County Booking No. 5811921.

FINDINGS

Tactics – Administrative Disapproval, Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez.

Drawing/Exhibiting – In Policy, No Further Action, Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez.

Lethal Use of Force – In Policy, No Further Action, Officer Rios and Officer Velasquez.

ANALYSIS⁴⁹

Detention

An unknown male called 911 to report that a male, Black, wearing light blue jeans wearing a backpack, was pointing a handgun at people near The Rivers apartments. The suspect (later identified as Calloway) was walking on 7th Street towards San Pedro Street. As Officers Rios and Velasquez drove east on 7th Street, they observed a male matching the description of Calloway. Officer Velasquez immediately noticed that Calloway was grabbing his waistband area and noticed that Calloway increased his pace and looked back in their direction. Officer Rios made a similar observation and added that Calloway appeared to have a large bulky item,

⁴⁶ Officer Mata, Page 10, Lines 5-8.

⁴⁷ Officer Mata, Page 10, Line 10.

⁴⁸ Sergeant Lobo, Page 20, Lines 8-10.

⁴⁹ The analysis reflects my recommendations as supported by the preponderance of the evidence established by the investigation.

possibly a handgun, in his left front pocket. Officers Rios and Velasquez repositioned their police vehicle to make contact with Calloway, exited their police vehicle, and attempted to give Calloway commands. Calloway ignored the commands and ran away from the officers, resulting in a foot pursuit. As Officers Mata, Bendimez, Silos and Martinez approached Calloway in their police vehicles, Calloway stopped, changed directions, and ran back towards Officers Rios and Velasquez. When Calloway approached Officers Rios and Velasquez, Officers Rios and Velasquez observed Calloway holding a handgun in his left hand and gave Calloway commands to get on the floor. Calloway ignored the officers' commands and continued to run towards Officers Rios and Velasquez, resulting in an OIS. The officers' decision to attempt to detain and take Calloway into custody were appropriate and within Department policies and procedures.

Tactics

Department policy relative to a Tactical Debrief is: *"The collective review of an incident to identify those areas where actions and decisions were effective and those areas where actions and decisions could have been improved. The intent of a Tactical Debrief is to enhance future performance."*

The evaluation of tactics requires that consideration be given to the fact that officers are forced to make split-second decisions under very stressful and dynamic circumstances. Tactics are conceptual and intended to be flexible and incident specific, which requires that each incident be looked at objectively and the tactics be evaluated based on the totality of the circumstances.

Tactical De-Escalation

Tactical de-escalation involves the use of techniques to reduce the intensity of an encounter with a suspect and enable an officer to have additional options to gain voluntary compliance or mitigate the need to use a higher level of force while maintaining control of the situation.
Tactical De-Escalation Techniques

- *Planning*
- *Assessment*
- *Time*
- *Redeployment and/or Containment*
- *Other Resources*
- *Lines of Communication (Use of Force - Tactics Directive No. 16, October 2016, Tactical De-Escalation Techniques)*

Tactical de-escalation does not require that an officer compromise his or her safety or increase the risk of physical harm to the public. De-escalation techniques should only be used when it is safe and prudent to do so.

Planning – According to both Officers Rios and Velasquez, they had been assigned as partners for approximately a year and a half and had numerous conversations regarding a variety of tactical scenarios that included the topics of contact and cover and their responsibilities during

investigations. At the start of their shift, Officers Rios and Velasquez did not acquire a shotgun from the Newton Patrol Division kit room which could place them at a tactical disadvantage when confronting an armed suspect.

While enroute to the radio call and as part of their planning process, Officer Velasquez read the comments of the radio call and contacted CD via the radio to obtain additional information regarding Calloway. However, Officers Rios and Velasquez did not communicate a tactical plan for encountering the armed suspect.

A review of the incident recall for this incident by FID investigators revealed there was no corresponding Code Six MDC transmission or radio broadcast from Officers Rios or Velasquez. Officer Velasquez did not activate his BWV until after the OIS had occurred and neither Officer Velasquez nor Officer Rios activated their DICVS upon observing Calloway or prior to stopping him.

According to Officer Rios, prior to making contact with Calloway, he angled their police vehicle facing the sidewalk, so that his partner, Officer Velasquez, would be able to utilize the passenger door as cover.

Officers Rios and Velasquez each stated that their plan, although not discussed with one another, was to maintain sight of Calloway and contain him in a perimeter. Officer Rios added that he believed Calloway was armed and was not attempting to apprehend Calloway; however, neither officer set-up a perimeter, communicated their plans with the other officers who were in the area, and did not broadcast that they were in foot pursuit.

The UOFRB discussed the deficient and inadequate plan as a result of Officers Rios and Velasquez' lack of communication. This lack of planning prior to contacting Calloway was evident and placed all the officers at a significant tactical disadvantage. Officers Rios and Velasquez gave conflicting commands, did not place themselves Code Six, did not communicate a plan among themselves or communicate relevant information to responding officers, which included Calloway being armed with a handgun. In addition, Officers Rios and Velasquez did not broadcast they were following Calloway or in foot pursuit and made no attempt to establish a perimeter to contain Calloway. I would have preferred that Officers Rios and Velasquez had developed a specific plan prior to engaging the suspect. Although they had previously worked together and were familiar with each other, Officers Rios and Velasquez would have benefitted from discussing a specific plan, relaying that plan to the other officers in the area, and requesting the assistance of an air unit.

Officer Mata stated he and Officer Bendimez had worked together two times and talked about tactics the first time they worked together. At the time of this incident, Officers Mata and Bendimez discussed that Officer Mata would be the contact officer and Officer Bendimez would be the cover officer. However, Officers Mata and Bendimez did not notify CD that they were responding to this incident, nor did they go Code Six upon their arrival. In addition, although they were having difficulties retrieving the incident on their MDC, Officers Mata and Bendimez did not request the incident information from CD and had no knowledge that Calloway was

armed. Officer Mata drove his police vehicle past Calloway, who was running from Officers Rios and Velasquez, and tried to contain Calloway by blocking his path using their police vehicle.

The UOFRB noted that Officer Bendimez could have broadcast a request for information from CD when she experienced difficulty retrieving that information from the MDC. In addition, Officers Mata and Bendimez observed Officers Rios and Velasquez running after Calloway; however, they did not attempt to communicate with the officers their reason for pursuing Calloway. The UOFRB further noted that Officers Mata and Bendimez had positioned and stopped their police vehicle directly in Calloway's path, who was armed, as he ran in their direction. I would have preferred Officers Mata and Bendimez obtain sufficient information and situational awareness to ensure their safety and to assist them in developing a tactical plan to contain an armed suspect.

Officers Silos and Martinez had worked together three times, discussed contact and cover roles, and lethal and less-lethal options; however, they did not discuss tactics specific to this incident. Officers Silos and Martinez did not notify CD that they were responding to the call with Officers Rios and Velasquez, did not discuss a plan with those officers, nor did they notify CD of their Code Six location. Officer Silos observed that Officers Rios and Velasquez were chasing Calloway, who matched the description of the suspect mentioned in the radio call but did not communicate a plan with those officers.

The UOFRB discussed that Officers Martinez and Silos had observed Officers Rios and Velasquez running after Calloway; however, they did not develop a plan to set-up a perimeter and contain Calloway, knowing Calloway was armed. I would have preferred Officers Silos and Martinez work as a team with Officers Rios and Velasquez to communicate and develop a plan for containment of an armed suspect by setting up perimeter, as well as, requesting sufficient resources to minimize the risks to officers.

Assessment – According to Officer Velasquez, he immediately noticed Calloway grabbing his waistband area and increasing his pace as he looked back in Officers Rios and Velasquez' direction. Officer Rios made a similar observation and added that Calloway appeared to have a large bulky item in his left front pocket, which may have been a handgun. Officer Rios assessed that Calloway may be the suspect described in the radio call and advised Officer Velasquez of this assessment. In his assessment of the tactical situation, Officer Rios stated he did not request a back-up, because he believed the two additional units in the area were sufficient to contain Calloway.

According to Officers Rios and Velasquez, based on Calloway's actions, they assessed that Calloway was possibly armed and were attempting to contain him and monitor his direction of travel. As Calloway ran towards Officers Rios and Velasquez, Officer Velasquez utilized his flashlight to illuminate Calloway and observed an uninvolved individual seated on the sidewalk but did not assess her to be in his immediate background.

Officers Rios and Velasquez fired one round each from their service pistols and assessed after firing. In their assessment, both Officers Rios and Velasquez stated they observed Calloway fall to the ground and believed their rounds had struck Calloway.

The UOFRB discussed officers' need to continually assess the background within the context of a tactical incident while weighing the life-threatening risks to the victims, officers, bystanders, and suspects. Officers Rios and Velasquez are reminded to be cognizant of their background during tactical encounters which may result in the use of deadly force and have the potential to harm community members in the area. I would have preferred that Officers Rios and Velasquez communicated with the uninvolved individual regarding the hazard presented by remaining in the area of Calloway.

According to Officers Mata and Bendimez, they observed and assessed Officers Rios and Velasquez attempting to conduct a pedestrian stop on Calloway. Officer Mata parked their police vehicle next to Officers Rios and Velasquez' police vehicle, unaware Calloway was armed or the reason for the pedestrian stop. In addition, Officers Mata and Bendimez assessed and made the decision to drive past Calloway and the pursuing officers in attempt to block Calloway with their police vehicle.

Officers Silos and Martinez' observed Officers Bendimez and Mata's police vehicle with their amber lights on, driving eastbound on 7th Street, and Officers Rios and Velasquez running after Calloway southbound on Crocker Street. Officer Silos observed Calloway with a handgun in his right hand. Officer Silos then observed Calloway stop, turn around, and began to run northbound on Crocker on the west sidewalk. Officer Martinez observed Calloway running northbound on Crocker Street while holding a handgun in his left hand.

Time – Officers Rios and Velasquez parked their police vehicle at a distance from Calloway and utilized the police vehicles ballistic doors to afford them time as they gave Calloway verbal commands. According to Officer Rios, Calloway was approximately five to six car lengths ahead of them when Calloway turned and ran back in Officers Rios and Velasquez' direction. In an effort to de-escalate the situation, Officer Rios stated he stopped running to give himself more time to react and create distance between himself and Calloway. According to Officer Velasquez, when Calloway fled from them, he and Officer Rios attempted to maintain a safe distance from Calloway but still maintain a visual on Calloway's location. Officer Velasquez slowed his pace and stopped to the left of Officer Rios in an effort to take the time to assess Calloway's actions. Both officers directed Calloway to get onto the ground to maintain distance. After discharging their first rounds, Officers Rios and Velasquez took the time to conduct assessments and chose not to fire additional rounds because they believed Calloway had been struck by gunfire and was no longer a threat.

In considering the actions of Officers Rios and Velasquez, the UOFRB noted that each of these officers stated their intent was to maintain sight of Calloway and contain him in a perimeter; however, Officers Rios and Velasquez did not take the time to develop a plan or communicate their observations to additional units in the area, request additional resources for containment purposes, or communicate that they were in foot pursuit and attempt to establish a perimeter in

this incident. Additionally, Officers Rios and Velasquez did not activate their DICVS and Officer Velasquez did not activate his BWV until after the OIS, despite having the time to do so. I would have preferred that Officers Rios and Velasquez had taken the time to establish a perimeter and obtain sufficient resources for containment rather than confront an armed suspect which resulted in an OIS.

Officers Mata, Bendimez, Martinez, and Silos had time to activate their BWVs and DICVS but did not do so. In addition, these same officers did not utilize the time to place themselves Code Six or advise CD that they were responding to this call. Upon observing Officers Rios and Velasquez in foot pursuit, none of these officers took the time to broadcast the foot pursuit information, to request a back-up, to establish a plan and a perimeter, or to communicate among each other.

Although they observed Calloway running with a handgun in his hand, neither Officers Martinez nor Silos took the time to communicate that observation to each other or with the other units.

Officer Mata drove his police vehicle past Calloway and tried to contain Calloway by blocking Calloway's path utilizing their police vehicle, which limited their options and the time the officers had to react to Calloway's actions.

The UOFRB deliberated on Officers Bendimez, Mata, Martinez, and Silos' failure to adhere to Department policy and approved tactical training in their haste to confront an armed suspect and take action without obtaining sufficient information or resources. These officers would have benefitted from the use of an air unit, additional officers, and a supervisor. I would have preferred that Officers Martinez, Silos, Mata, and Bendimez apply Department policy and approved tactical training to slow the pace of this incident and de-escalate the situation rather than place themselves at risk.

Redeployment and/or Containment – Both Officers Rios and Velasquez indicated they had pursued Calloway in containment mode with the intention of keeping him in their sights and establishing a perimeter. According to Officer Rios, his intent was to monitor Calloway's direction of travel and broadcast that information to establish a perimeter. Officer Rios added that he did not request a back-up, because he had sufficient units to contain Calloway.

Officers Rios and Velasquez both stated that once they turned the corner onto Crocker Street, they did not believe they had any cover to utilize. According to Officer Rios, he looked for vehicles or other hard barriers in the area to move to, but he did not observe any cover. Officer Rios further stated he believed it would have been unsafe to re-deploy, because it would have necessitated turning his back to Calloway; however, the FID investigation revealed there was a telephone pole approximately 11 feet from his position.

According to Officers Mata and Bendimez, as Calloway ran south, they made the decision to contain Calloway by driving past him and the pursuing officers in an attempt to block Calloway's path with their police vehicle. Because of the lack of communication among officers, Officers Mata and Bendimez believed the shiny object in Calloway's hand was possibly

a cell phone. They were not aware that Calloway was armed with a handgun and placed their police vehicle directly in Calloway's line of travel.

Officers Silos and Martinez observed Officers Mata and Bendimez' police vehicle block Calloway's path and believed this action caused Calloway to turn and run north in their direction. According to Officer Martinez, Calloway was holding a handgun in his left hand. Officer Silos brought their police vehicle to a stop and Calloway continued running north, passing Officer Silos and Martinez. Officers Silos and Martinez heard a gunshot and re-deployed by exiting their police vehicle.

The UOFRB discussed the opportunity Officers Rios and Velasquez had to utilize Officers Mata and Bendimez, along with Officers Martinez and Silos, to secure a perimeter and contain Calloway. Instead, Officers Rios and Velasquez chose to disregard those resources and not request a back-up. Their primary objective should have been containment of Calloway while coordinating responding resources. I would have preferred Officers Rios and Velasquez had utilized their available resources in coordinating a response while maintaining a visual on Calloway from a tactically safe position and reducing the risk of potential harm to themselves and to the other officers who were in the area.

Other Resources – Both Officer Rios and Velasquez acknowledged that they did not initiate a back-up or a foot pursuit broadcast to communicate their location and obtain additional resources such as an air unit, a supervisor, and additional officers for a perimeter. According to Officer Velasquez, he believed he did not have time to utilize his radio, because his main focus was pursuing Calloway. Both officers also indicated they were aware additional units were with them and believed those units were sufficient to contain Calloway. Officers Mata, Bendimez, Martinez, and Silos did not request a back-up or additional resources as well.

As a result of the OIS and "help call," additional Department personnel responded, along with Los Angeles Fire Department (LAFD) personnel; however, Calloway refused to be medically examined.

The UOFRB noted that consistent with the deficient lack of planning and communication, available resources were not requested by any of the officers involved in this incident prior to the OIS.

Lines of Communication – Both Officers Rios and Velasquez stated they had been assigned as partners for a year and a half and had several conversations regarding tactical scenarios, the topic of contact and cover roles, and their responsibilities while conducting an investigation.

While enroute to the radio call, Officer Velasquez read the comments of the radio call to Officer Rios and contacted CD to ascertain additional information regarding Calloway; however, Officers Rios and Velasquez did not communicate a tactical plan should they encounter Calloway and did not place themselves Code Six over the radio or through the MDC.

Although not discussed with one another, Officers Rios and Velasquez each stated that their plan was to maintain sight of Calloway and contain him in a perimeter. When Officer Rios observed Calloway with his hand in his pocket and the other in his waistband, Officer Rios communicated this observation to Officer Velasquez. In addition, Officers Rios and Velasquez stated they gave verbal commands to Calloway in an attempt to detain him and continued to communicate with Calloway throughout this incident until he was apprehended and handcuffed. Upon exiting their police vehicle, Officers Rios and Velasquez gave conflicting simultaneous commands to Calloway where Officer Rios directed Calloway toward them, and Officer Velasquez ordered Calloway to face the wall. Officer Rios immediately broadcast a "help call" after the OIS had occurred.

The UOFRB noted Officers Rios and Velasquez' lack of communication prior to contacting Calloway was apparent and placed them and responding officers at a significant tactical disadvantage. Officers Rios and Velasquez gave conflicting commands to Calloway, did not place themselves Code Six, did not communicate a plan among themselves or communicate important information to responding officers, which included Calloway being armed with a handgun. In addition, Officers Rios and Velasquez did not broadcast they were in foot pursuit and made no attempt to verbally establish a perimeter to contain Calloway who was armed. I would have preferred that Officers Rios and Velasquez had a discussion prior to making contact with Calloway. Although they had previously worked together, Officers Rios and Velasquez would have benefitted from discussing a specific plan, communicating that plan to the other officers in the area, and requesting the assistance of an air unit and a supervisor.

Officer Mata stated he and Officer Bendimez talked about tactics the first time they worked together and at the time of this incident, Officers Mata and Bendimez discussed that Officer Mata would be the contact officer and Officer Bendimez would be the cover officer. However, Officers Mata and Bendimez did not notify CD that they were responding to this incident, nor did they go Code Six upon their arrival and update their location as it changed. In addition, Officers Mata and Bendimez did not request the incident information from CD and were not aware that Calloway was armed.

The UOFRB noted that Officers Bendimez and Mata could have broadcast a request for information on the call from CD. In addition, Officers Mata and Bendimez observed Officers Rios and Velasquez running after Calloway but did not communicate with the pursuing officers or broadcast a back-up for Officers Rios and Velasquez. I would have preferred Officers Mata and Bendimez obtain and share information among themselves and with the pursuing officers to ensure their safety and minimize their risks.

Officers Silos and Martinez had worked together previously and discussed lethal, less-lethal, contact and cover roles; however, they did not discuss tactics specific to this incident. Officers Silos and Martinez did not notify CD that they were responding to the call with Officers Rios and Velasquez, did not discuss a plan with those officers, nor did they notify CD of their Code Six location and updated locations. Officer Silos observed that Officers Rios and Velasquez were chasing Calloway, who matched the description of the suspect mentioned in the radio call but did not communicate a plan with those officers.

The UOFRB discussed that Officers Martinez and Silos had observed Officers Rios and Velasquez running after Calloway; however, they did not take it upon themselves to establish a perimeter and contain Calloway, knowing Calloway was armed. I would have preferred Officers Silos and Martinez work as a team with Officers Rios and Velasquez to communicate a plan for containing Calloway and requesting sufficient resources to minimize the risks to the officers and community members.

The UOFRB noted that overall, there was minimal communication among the officers that responded to the original radio call, which started with a deficiency in planning. Officers Rios and Velasquez, Officers Mata and Bendimez, and Officers Silos and Martinez did not communicate their response or coordinate with each other. The UOFRB concluded, and I concur, that communication among all personnel at the scene and with responding units is critical when coordinating containment of an armed suspect. Furthermore, the lack of communication placed those at scene and responding units at a tactical disadvantage as they tried to develop situational awareness without the benefit of crucial information from Officers Rios and Velasquez.

Officer Vildosola requested an RA for Calloway as he believed Calloway was struck by gunfire.

During the review of the incident, the following Tactical Debriefing Points were noted:

Debriefing Point No. 1 – Code Six (Substantial Deviation, without Justification - Officers Rios, Velasquez, Mata, Bendimez, Silos, and Martinez)

When a unit is conducting a field investigation and no assistance is anticipated, a "Code Six," followed by the location, shall be broadcast. A unit shall not go "Code Six" until it arrives at the scene of a call.

Units on "Code Six" status shall remain available for reassignment to priority calls by monitoring their radio frequencies. A unit on "Code Six" status may indicate to the dispatcher additional circumstances, which will make the unit unavailable for assignment to a priority call.

These circumstances may include.

- *Suspect in custody;*
- *Primary unit at a crime scene; and/or,*
- *Required at a Back-up, assistance, or help location.*

Note: *The unit shall notify the dispatcher as soon as it is again available for radio calls (Los Angeles Police Department Manual, Volume 4, Section 120.40).*

Officers Rios and Velasquez did not advise CD of their Code Six status when they arrived on scene and failed to update their Code Six location when making contact with Calloway and throughout the foot pursuit, leaving CD unaware of their location.

Officers Mata and Bendimez and Officers Silos and Martinez did not advise CD that they were responding to the radio call or advise of their Code Six status when they arrived on scene and throughout the remainder of the incident.

The purpose of going Code Six is to advise CD and officers in the area of their location and the nature of the field investigation, should the incident escalate and necessitate the response of additional personnel. The comments of the radio call depicted the suspect to be armed and displaying his handgun in a dangerous manner. The identity and actions of a person stopped are often unknown, and as in this case, actions can be unpredictable.

Officers Rios and Velasquez first observed Calloway walking on the sidewalk, approximately seven blocks from where the radio call was generated. Officers Rios and Velasquez did not utilize the time, upon initially observing Calloway and while they were conducting a U-turn, to advise CD that they were Code Six. Officers Rios and Velasquez also did not advise CD of their updated location prior to contacting Calloway.

The UOFRB noted that Officers Rios and Velasquez had sufficient time to broadcast their Code Six location as well as other relevant information, including the updated location of the suspect and that Calloway was possibly armed with a handgun. Upon initial observation of Calloway, Officers Rios and Velasquez were not faced with an immediate threat but rather with a suspect who was attempting to flee.

Officers Mata and Bendimez responded to the radio call, and upon their arrival, Officers Mata and Bendimez observed Officers Rios and Velasquez driving eastbound on 7th Street. Officers Mata and Bendimez followed behind Officers Rios and Velasquez in their police vehicle as they drove and made the U-turn on 7th Street. Officers Mata and Bendimez did not take the time to broadcast they were Code Six when they joined Officers Rios and Velasquez.

The UOFRB noted that Officers Mata and Bendimez had sufficient time to broadcast their Code Six location, and to request CD to broadcast the comments of the call.

Officers Silos and Martinez responded to the radio call and observed Officers Rios and Velasquez in a foot pursuit while Officers Mata and Bendimez followed Calloway in their police vehicle. Officers Silos and Martinez knew that they were responding to an armed suspect radio call but had limited information of the radio call comments due to them unable to fully access the details of the radio call on the MDC. Officers Silos and Martinez failed to notify CD of their Code Six status and also failed to request for CD to broadcast the comments of the radio call.

The UOFRB noted that Officers Silos and Martinez also had sufficient time to broadcast their Code Six location and request CD to broadcast the comments of the call.

The UOFRB discussed the importance of the officers notifying CD of their Code Six location, whether it be via the MDC or broadcasting it over the radio. The UOFRB also discussed that officers could have requested that CD broadcast the comments over the radio. Officers Rios, Velasquez, Mata, Bendimez, Silos, and Martinez were afforded sufficient time to broadcast their

Code Six location upon arrival to the call location and prior to locating Calloway, but did not go Code Six.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Rios, Velasquez, Mata, Bendimez, Silos, and Martinez, despite having the time and opportunity to do so, failed to notify CD of their Code Six location and did not update their location as they followed Calloway, resulting in a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 2 – Back-Up Request (Substantial Deviation, without Justification - Officers Rios, Velasquez, Mata, Bendimez, Silos, and Martinez)

Back-up Unit Request: This emergency call shall be broadcast when an officer requires additional units immediately, but the situation does not rise to the level where serious bodily injury, death or serious threat to public safety is imminent. The officer requesting shall include the location, followed by the unit designation and all other pertinent information, including the reason for the request (Los Angeles Police Department Manual, Volume 4, Section 120.40).

In this case, Officers Rios and Velasquez located and identified a possibly armed and potentially violent suspect in response to a radio call of an armed individual. The UOFRB noted Officers Rios and Velasquez did not request a back-up after they observed the suspect grabbing his waistband and believed Calloway may have had a handgun in his pocket. Officers Rios and Velasquez also failed to request a back-up when Calloway fled from them and they initiated a foot pursuit. Officers Mata, Bendimez, Silos, and Martinez also attempted to detain Calloway and did not request a back-up.

Although officers are given discretion regarding the appropriate time to request additional resources based on the tactical situation, a request for a back-up would have been tactically advantageous based on the information contained in the initial radio call, Officers Rios and Velasquez's initial observations of Calloway, and Calloway reaching in his waistband area.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that the Officer's delay in failing to request a back-up was a substantial deviation, without justification from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 3 – Foot Pursuit – Apprehension vs. Containment Mode / Pursuing Armed Suspect (Substantial Deviation, without Justification - Officers Rios and Velasquez)

Apprehension versus Containment: There are two pursuit modes officers may use when a suspect flees on foot, apprehension mode or containment mode. Some factors that will influence an officer's decision to operate in the apprehension or containment mode are the

suspect's actions, officer's experience, training, physical fitness level, location and available resources.

During apprehension mode, officers work as a team, pursue and attempt to overtake a fleeing suspect until apprehending the suspect, making the decision to discontinue the foot pursuit or transition into containment mode. The pursuing officers should assess and communicate with each other before deciding on a course of action.

If the suspect is no longer in sight or enters a structure such as a house, apartment or business, or gains a tactical advantage, officers may make the decision to continue the pursuit in containment mode while coordinating the response of additional units to establish a perimeter. Containing a suspect in a specific area can decrease the opportunity for an ambush and will make it more likely that the suspect will be taken into custody.

When the decision is made to establish a perimeter, officers should act quickly to prevent the suspect's escape and broadcast the following:

- *General location of an incident command post (the end of pursuit location). This location can be moved later.*
- *Boundaries for the perimeter. Remember it is easier to decrease a perimeter than increase one. Initially, even general locations or instructions will suffice. (e.g. 2 blocks to South and North, 2 blocks to East and West of my location).*
- *Request for air unit to assist in establishing or adjusting the perimeter. The presence of the air unit will also encourage the suspect(s) to remain within the perimeter.*
- *Request a supervisor and the necessary resources to safely handle the incident (Los Angeles Police Department, Use of Force-Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).*

Pursuing Armed Suspects: *When pursuing a suspect believed to be armed, officers should generally do so in containment mode while considering the available tactical advantages, including cover and concealment where available. The goal is to maintain observation of the suspect and the tactical advantage while coordinating the response of additional units and other resources for a perimeter with the objective of containing the suspect and taking him into custody safely. The decision to pursue an armed suspect in apprehension mode may be appropriate when the suspect is at a tactical disadvantage and an arrest can be accomplished with limited risk to officers or innocent parties (Los Angeles Police Department, Use of Force-Tactics Directive, Foot Pursuit Concepts, Directive No. 3.2, October 2013).*

Officers Rios and Velasquez engaged in a foot pursuit with Calloway who was possibly an armed suspect. Prior to contact with Calloway, Officers Rios and Velasquez observed Calloway holding his waistband which they believed was consistent with a suspect securing a handgun in clothing.

Containment of an armed suspect demands optimal situational awareness. The ability to maintain the tactical advantage rests on the ability of the officers to effectively communicate, thus ensuring a coordinated effort, establishing a perimeter, and increasing the likelihood of a successful resolution.

Generally, officers are discouraged from pursuing armed suspects on foot. Nonetheless, Department policy and training affords a level of discretion regarding the appropriateness of their decision to engage in foot pursuit of an armed suspect.

In this case, Officers Rios and Velasquez had responded to the area as a result of a radio call indicating that a male (Calloway) was pointing a handgun at vehicles as they passed by. Upon arrival, Officers Rios and Velasquez located Calloway and believed Calloway was in possession of a handgun because he held his waistband in a manner consistent with concealing a handgun. Upon contact, Calloway fled from Officers Rios and Velasquez, who engaged in a foot pursuit and never broadcast or attempted to set up a perimeter to contain an armed suspect and maintain the tactical advantage. Additionally, Officer Rios knew that Officers Mata and Bendimez had joined them prior to making contact with Calloway, however, there was no communication between Officers Rios, Mata and Bendimez. Officers Rios and Velasquez could have utilized Officers Mata and Bendimez to assist by using their police vehicle to secure the perimeter. Officer Rios stated that he feared Calloway may turn and shoot at them; however, when Calloway fled, Officers Rios and Velasquez both initiated a foot pursuit of an armed suspect with their service pistols drawn, while Officers Mata and Bendimez followed in their police vehicle.

The UOFRB opined that Officers Rios and Velasquez engaged in a foot pursuit with an armed suspect who had already exhibited deadly actions by pointing his pistol at passing vehicles. Officer Rios and Velasquez' actions placed them at a tactical disadvantage should Calloway have fired upon the officers. Officers Rios and Velasquez should have utilized the assistance of other officers to contain Calloway and not engage in a foot pursuit. Officers Rios and Velasquez were required to broadcast that they were in foot pursuit of a possibly armed suspect and quickly request the necessary resources to set up a perimeter. It would have been preferred that Officers Rios and Velasquez maintain observation of Calloway while they coordinated the response of responding units with the objective of containing Calloway within the perimeter. The actions of Officers Rios and Velasquez were not consistent with the Department training and tactics taught with regard to setting up a perimeter to contain an armed suspect. In addition, pursuing a fleeing subject with a service pistol drawn limits the officers' ability to coordinate a response from additional units. The actions of Officers Rios and Velasquez appeared to be one of apprehension, not of containment.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Rios and Velasquez' actions were a substantial deviation, without justification, from approved Department tactical training. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 4 – Foot Pursuit Broadcast (Substantial Deviation, without Justification - Officers Rios and Velasquez)

Effective communication is essential during foot pursuits. Due to the rapidly unfolding situation, officers may not be able to include complete information in the initial broadcast. Additional information may be provided when tactically sound to do so.

Primary Officer: The officer whose primary responsibility is to focus on the threat posed and direction of travel of the suspect. The primary officer is usually the officer in front and closest to the suspect and in a position of advantage to assess any threat posed, give commands and direct the tactics of the pursuit. The role of the officer may change during the course of the foot pursuit, and the primary officer may become the secondary officer.

Secondary Officer: While the primary officer focuses on the suspect, the secondary officer focuses on the safety of the primary officer and responding personnel. The secondary officer broadcasts the location and direction of the pursuit; requests additional resources and coordinates their response and direction of travel. The role of the officer can change during the course of the foot pursuit and the secondary officer can quickly become the primary officer (Los Angeles Police Department Use of Force – Tactics Directive No. 3.2, Foot Pursuit Concepts, October 2013).

Officers Rios and Velasquez did not advise Communications Division (CD) of their location or broadcast that they were in foot pursuit, nor did they provide critical information about the direction of the foot pursuit, that Calloway was possibly armed or the reason for pursuing Calloway.

The purpose of broadcasting a foot pursuit is to advise CD and officers in the area of their location and generated response of additional personnel. Pedestrian stops can be dangerous, as the identity and actions of a person stopped is often unknown, and as in this case, their actions can be unpredictable.

The Department's policy, training, procedures, and tactical directives are all consistent relative to the fact that the primary officer in a foot pursuit will focus on the suspect, rather than coordinating resources, and the secondary officer in a foot pursuit would assume the responsibility for broadcasting. The concept of effective communication via a radio broadcast cannot be compromised.

In this case Officers Rios and Velasquez responded to a man pointing a handgun at vehicles as they passed by. Upon arrival to the area of the call location, Officers Rios and Velasquez observed Calloway, who matched the description of the person pointing the handgun at vehicles. Officers Rios and Velasquez attempted to make contact with Calloway and a foot pursuit ensued. According to Officer Rios he was the primary officer in the foot pursuit and did not broadcast his actions. Officer Rios anticipated that Officer Velasquez would broadcast, however, Officer Velasquez did not broadcast.

The UOFRB noted that Officers Rios and Velasquez did not broadcast their foot pursuit and pursued Calloway with their service pistols drawn, limiting their ability to utilize their handheld police radios to broadcast. Additionally, had Officers Rios and Velasquez communicated a tactical plan, they would have had a greater opportunity to gain the tactical advantage and ability to mitigate the actions of Calloway.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Rios and Velasquez's failure to advise CD when they went into foot pursuit, was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Debriefing Point No. 5 Tactical Vehicle Deployment (Substantial Deviation – Officers Mata and Bendimez)

Officers must approach every contact with officer safety in mind. Complacency, overconfidence, poor planning or inappropriate positioning can leave officers vulnerable to attack (California Commission on Peace Officer Standards and Training, Learning Domain 21).

When stopping one or more suspect(s) using the police vehicle; position the patrol vehicle to maximize officer safety for both officers (Los Angeles Police Department, Regular Basic Course, Tactics Lesson Plan, Pedestrian Stops, Pages 7-8, February 2003).

Officers Mata and Bendimez utilized their police vehicle in an attempt to block the path of Calloway as he fled on foot from pursuing officers. The positioning of the police vehicle when conducting a pedestrian stop is critical in order to provide the officers a tactical advantage should the incident escalate.

In this case, Officers Mata and Bendimez placed themselves at a significant tactical disadvantage by positioning their police vehicle in close proximity, without cover, to the possibly armed suspect, as well as causing a crossfire situation with Officers Rios and Velasquez as they pursued Calloway on foot. Officer Mata stated as they pulled up to the intersection that Calloway was coming around the corner and they wanted to "cut him off" so they could contain Calloway.

The UOFRB considered the circumstances surrounding Officer Mata's vehicle deployment and positioning while confronting a suspect matching the description and thought to be armed, as well as being actively pursued by officers on foot. Officer Mata's decision to cut off the path of this suspect significantly increased the risk to both him and his partner and was not consistent with Department tactical training.

Officer Bendimez observed Calloway running as they were driving their police vehicle trying to catch up to him. Officer Bendimez' plan was to cut Calloway off to contain him. Officer Bendimez decided to contain Calloway by passing him in an effort to make Calloway stop and

change his direction of travel.⁵⁰ The angled position of the police vehicle relative to Calloway's location reduced the officers' ability to react to Calloway's actions and reduced their ability to utilize the police vehicle as cover as Calloway ran towards them while being pursued by other officers. The UOFRB was critical of the officers' decision and opined that the officers placed themselves at a significant tactical disadvantage, as they positioned their police vehicle in the pathway of an armed suspect. The actions of Officer Mata and Bendimez posed an unnecessary risk to the officers.

Both the UOFRB and I would have preferred that the officers displayed greater control of their police vehicle, tactically communicated, and utilized all available resources to establish a perimeter to contain Calloway. This would have provided a tactical advantage for the officers and have afforded the officers additional time and distance to assess the rapidly unfolding tactical situation.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that Officers Mata and Bendimez' tactical positioning of their police vehicle was a substantial deviation, without justification, from approved Department tactical training. I will direct that this be a topic of discussion during the Tactical Debrief.

Additional Tactical Debrief Topics

Handling of a Service Pistol Inside of Moving Vehicle – As Officer Velasquez was seated in the passenger seat of the police vehicle, he unholstered his service pistol as they approached the area of the radio call. Upon arrival, Officer Velasquez exited the police vehicle as he utilized his right hand to hold his service pistol while also using the same hand to pull the door release latch to open the door. Officer Velasquez is reminded of the importance of firearm safety and officer safety in order to mitigate instances that could lead to an unintentional discharge. In order to enhance future performance, I will direct that this be a topic of discussion during the Tactical Debrief.⁵¹

Updating Status – Officers Mata, Bendimez, Silos and Martinez did not notify CD of their status while enroute to the radio call via the MDC or by broadcasting it over the radio. Officers Mata, Bendimez, Silos and Martinez are reminded of the importance of updating their status so that CD is aware of their location should the incident necessitate the response of additional personnel. I will direct that this topic be discussed during the Tactical Debrief.

Tactical Communication – Officers Rios and Velasquez did not communicate a tactical plan for encountering the armed suspect. Officers Rios and Velasquez did not communicate their intended actions to each other when Calloway fled on foot, nor did they communicate that they were in foot pursuit. Officers Rios and Velasquez did not verbally advise Officers Mata, Bendimez, Silos and Martinez of their plan or their needed assistance when they arrived.

⁵⁰ Officer Bendimez, Page 14, Lines 20-22.

⁵¹ On August 31, 2020, Personnel and Training Bureau (PTB) released Department Notice *Handling of Firearms while Operating a Vehicle*. The Notice addressed the associated risk of holding a firearm while operating a police vehicle.

Additionally, neither Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez communicated or verified with each other whether they were Code Six.

Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez are reminded that when tactically feasible it is preferred to advise responding personnel of all pertinent information during a tactical situation as operational success is based on the ability of officers to effectively communicate during critical incidents. When faced with a tactical incident, overall safety is improved by an officer's ability to recognize an unsafe situation and work collectively to ensure a successful resolution. I will direct that this be a topic of discussion during the Tactical Debrief.

Simultaneous Conflicting Commands – Officers Rios and Velasquez gave verbal commands to Calloway, which they believed Calloway heard. Officer Velasquez ordered Calloway to face towards a wall that was to the right of him. Upon exiting his vehicle, Officer Rios yelled, “Come over here.” Officers Rios and Velasquez are reminded to designate one communications officer to verbalize with individuals to avoid confusion and non-compliance. I will direct that this be a topic of discussion during the Tactical Debrief.

Running with a Service Pistol Drawn – Officers Rios and Velasquez engaged in a foot pursuit with their service pistols drawn. Although this was a dynamic and rapidly unfolding incident involving a suspect who appeared to be possibly armed, Officers Rios and Velasquez are reminded that there is a heightened concern for an unintentional discharge when running with a service pistol drawn. I will direct that this be a topic of discussion during the Tactical Debrief.

Securing a Police Vehicle – Officers Rios and Velasquez ran after Calloway and left their police vehicle unsecured with the driver and passenger doors open. Their police vehicle was parked at the intersection of 7th Street and San Pedro Street with pedestrians standing nearby. Officers Rios and Velasquez are reminded that the security of police vehicles is an important component of officer safety as there are tools and weapons in police vehicles that could be accessed by unauthorized persons. I will direct that this be a topic of discussion during the Tactical Debrief.

Officers Mata and Bendimez left their police vehicle unsecured with the driver and passenger doors open prior to redeploying to the location of the OIS. Officers Mata and Bendimez are reminded that the security of police vehicles is an important component of officer safety as there are tools and weapons in police vehicles that could be accessed by unauthorized persons. I will direct that this be a topic of discussion during the Tactical Debrief.⁵²

Adherence to the Vehicle Code while Responding to a Radio Call – Officers Silos and Martinez responded to the radio call in their police vehicle without their emergency equipment activated and drove their vehicle through the red tri-light at San Pedro Street and 7th Street. Officers Silos and Martinez are reminded that while operating a police vehicle without their

⁵² Officers Rios, Velasquez, Mata, and Bendimez were driving black and white, Ford Explorer police vehicles which use a traditional ignition key to start the vehicle. The investigators from FID were unable to determine if the police vehicles were left running; however, FID was able to determine that the ignition keys were left in the ignition for both police vehicles.

emergency equipment activated requires them to obey all traffic laws. I will direct this to be a topic of discussion during the Tactical Debrief.

Initiating Contact While Seated in Police Vehicle – Officer Martinez initiated contact with Calloway while still seated in the passenger seat of their police vehicle. Officer Martinez is reminded of the importance of proper tactics when conducting pedestrian stops to maintain a tactical advantage. Officers should exit their vehicles for the purposes of officer safety. I will direct this be a topic of discussion during the Tactical Debrief.

Utilization of Cover – Officers Rios and Velasquez both advised that once they turned the corner onto Crocker Street, they did not believe they had any cover to utilize. The UOFRB and the FID investigation noted that there was a telephone pole approximately 11 feet southwest from Officers Rios' position at the time Officer Rios stopped running. Officers Rios and Velasquez are reminded that the use of cover often results in officers being able to utilize various options, as well as providing officers with more time to make decisions in the event the suspect presents an imminent threat of death or serious bodily injury. I will direct this be a topic of discussion during the Tactical Debrief.

Basic Firearms Safety Rules – Officer Velasquez appeared to momentarily cover Officer Rios with his service pistol as he approached Officer Rios. Officer Velasquez is reminded of the basic firearm safety rules and their importance not only for the safety of themselves and those around them but also as a measure to prevent injury to others. I will direct this be a topic of discussion during the Tactical Debrief.

Background/Situational Awareness – As Calloway ran towards Officers Rios and Velasquez, Officer Velasquez momentarily utilized his flashlight to illuminate the west sidewalk and Calloway. This lighting also illuminated an unknown person sitting against the east wall of the business located at 717 Crocker Street. Officer Rios acknowledged seeing this individual but did not assess her to be in his immediate background at the time he fired. Officer Velasquez was not aware this individual was there at the time of the OIS. Officers Rios did not communicate to Office Velasquez of his observations and did not communicate to the unknown person to leave the area and move to a safer location. This incident occurred in an area with heavy pedestrian traffic in the City of Los Angeles and the actions conducted by Calloway presented a significant concern for the safety of the community, as well as the officers. Consistent with Department policy and training, Officers Rios and Velasquez are reminded to be cognizant of their background during tactical encounters which may result in the use of deadly force and inadvertently harm community members in the area. The background of a tactical incident must be continually assessed in balance with life threatening risks to the victims, officers, suspects, and bystanders. Every effort should be made to assess the environment and protect community members in the background when utilizing lethal force. Continuous Communication among the officers and with nearby community members will assist in ensuring their safety and remove potential risks. It also allows the officers to focus on handling the suspect without further distractions or hazards. Officers Rios and Velasquez are reminded that the background within the context of a tactical incident must be continually assessed while considering the risks to

victims, officers, and community members. I will direct that this be a topic of discussion during the Tactical Debrief.

Location/Situational Awareness – Officers Rios and Velasquez deployed from their vehicle and went into foot pursuit. After Officers Rios and Velasquez were involved in an OIS, neither officer knew their location to broadcast when they broadcast the “help call.” The FID investigation revealed that Officers Rios and Velasquez were approximately seven blocks away from the radio call location. Officers Rios and Velasquez are reminded that they must know their location to accurately communicate and receive their needed resources. I will direct this be a topic of discussion during the Tactical Debrief.

Integrity of the Crime Scene – After the OIS, Officer Bendimez returned to her police vehicle and drove the police vehicle closer to the crime scene, approximately 83 feet from its original location, and secured it in the roadway. Officer Bendimez is reminded that vehicles and equipment are to be left undisturbed until FID investigators can properly document and preserve the scene. I will direct this be a topic of discussion during the Tactical Debrief.

Protocols Subsequent to a Categorical Use of Force - Transportation – Officers Silos and Martinez had been identified as percipient witnesses to the OIS but did not notify Sergeant Lobo of their involvement as witnesses. Not knowing that Officers Silos and Martinez had witnessed the OIS, Sergeant Lobo directed Officers Silos and Martinez to move their vehicle from its original location to conduct a transport of the suspect to Newton Station. Officers are reminded of the importance of protocols subsequent to a Categorical Use of Force, specifically identifying themselves as percipient witnesses to supervisors at the scene. I will direct this be a topic of discussion during the Tactical Debrief.

Command and Control

Command and Control is the use of active leadership to direct others while using available resources to coordinate a response, accomplish tasks and minimize risk. Command uses active leadership to establish order, provide stability and structure, set objectives and create conditions under which the function of control can be achieved with minimal risk. Control implements the plan of action while continuously assessing the situation, making necessary adjustments, managing resources, managing the scope of the incident (containment), and evaluating whether existing Department protocols apply to the incident.

Command and Control is a process where designated personnel use active leadership to command others while using available resources to accomplish tasks and minimize risk. Active leadership provides clear, concise, and unambiguous communication to develop and implement a plan, direct personnel and manage resources. The senior officer or any person on scene who has gained sufficient situational awareness shall initiate Command and Control and develop a plan of action. Command and Control will provide direction, help manage resources, and make it possible to achieve the desired outcome. Early considerations of PATROL will assist with the Command and Control process (Los Angeles Police Department, Training Bulletin, Volume XLVII Issue 4, July 2018).

Line Supervision – Defined. A supervisor who has the specific responsibility of issuing directions and orders to designated subordinates shall be considered as having the duty of line supervisor and shall be held accountable for achieving conformance with the directions and orders that he/she issues (Los Angeles Police Department Manual, Volume 3, Section 135).

Incident Commander (IC) – In accordance with Department Policy, the IC sets the objectives, the strategy and directs the tactical response. Directing the tactical response means applying tactics appropriate to the strategy, assigning the right resources and monitoring performance (Supervisor’s Field Operations Guide, Volume 2, LAPD Emergency Operations Guide).

There was no supervisor at scene during the tactical aspect of this incident. After the OIS, Officer Rios did exercise active leadership as he demonstrated a calm and composed demeanor upon arrival of responding officers. Officer Rios maintained clear lines of communication with responding officers and directed them to update their location and form an arrest team. Officer Rios appointed himself as the Designated Cover Officer (DCO) and gave Calloway clear and direct commands. Additionally, he formulated a plan for a coordinated and controlled approach to take Calloway into custody. Officer Rios also advised officers not to touch Calloway’s revolver and assigned an officer to monitor it.

Sergeant Aguirre was the first supervisor to arrive at scene and met with Officers Rios and Velasquez, who identified themselves as being involved in the OIS. Sergeant Aguirre separated Officers Rios and Velasquez, admonished them not to talk about the incident, and directed other officers to set up crime scene tape to secure the area. She monitored Officers Rios and Velasquez until relieved by Sergeant Lobo.

Sergeant Lobo assumed the role as Incident Commander but did not broadcast that information over the radio. Sergeant Lobo took command of the scene and ensured involved and witnessing officers were separated, public safety statements were obtained, and there was proper crime scene management. Sergeant Lobo monitored both officers until relieved by Sergeant Burke.

Sergeant Burke delegated responsibilities to the uninvolved officers and made sure containment of the area was established. Sergeant Burke also ensured there were egress and ingress routes for responding personnel.

Sergeant Lobo obtained a Public Safety Statement (PSS) from Officer Velasquez. According to the FID investigation, Sergeant Lobo recorded a portion of Officer Velasquez’ PSS on BWV until he was advised by Sergeant Burke to stop recording.

Sergeant Burke obtained a PSS from Officer Rios and monitored him throughout the duration of the incident.

Sergeant Lobo directed Officers Silos and Martinez to transport Calloway to Newton Station.

Sergeants Aguirre, Lobo, and Burke provided supervision and control of the on-going tactical incident. The actions of Sergeants Aguirre, Lobo, and Burke were consistent with Department supervisory training and met my expectations of field supervisors during a critical incident.

Tactical Debrief

In conducting an objective assessment of this case, the UOFRB determined, and I concur, that Officers Rios, Velasquez, Mata, Bendimez, Silos, and Martinez actions were a substantial deviation, without justification, from Department policy and tactical training, thus requiring a finding of Administrative Disapproval.

Each tactical incident also merits a comprehensive debriefing. In this case, there were identified areas where improvement could be made. A Tactical Debrief is the appropriate forum for the involved personnel to discuss individual actions that took place during this incident.

Although, it was determined that Sergeants Lobos and Aguirre were not substantially involved in this incident and did not receiving formal findings, the UOFRB recommended, and I concur, that they would benefit from attending the Tactical Debrief. Therefore, I will direct that Sergeants Lobos and Aguirre attend a Tactical Debrief and that the specific identified topics are discussed.

Note: Additionally, the Tactical Debrief shall also include the following mandatory discussion points:

- Use of Force Policy;
- Equipment Required/Maintained;
- Tactical Planning;
- Radio and Tactical Communication (including Code Six);
- Tactical De-Escalation;
- Command and Control; and,
- Lethal Force.

General Training Update (GTU)

On December 10, 2019, Officers Rios and Velasquez attended a General Training Update (GTU). All mandatory topics were covered including the Force Option Simulator and Foot Pursuit Concepts.

Drawing/Exhibiting

Department policy relative to drawing and exhibiting a firearm is: *“An officer’s decision to draw or exhibit a firearm should be based on the tactical situation and the officer’s reasonable belief there is a substantial risk that the situation may escalate to the point where deadly force may be justified” (Los Angeles Police Department Manual, Volume No. 1, Section 556.80).*

Officer Velasquez – According to Officer Velasquez, he unholstered his service pistol while riding in the passenger seat of their police vehicle as they were approaching the intersection of 7th Street and San Pedro Street. Officer Velasquez unholstered his service pistol based off the comments of the call that the suspect had a handgun and they were approaching the area where the suspect was located. When Officer Velasquez exited the police vehicle after observing Calloway standing at the corner of 7th Street and San Pedro Street, Officer Velasquez pointed his service pistol at Calloway’s mid-section in order to protect himself and Officer Rios from what they believed to be a lethal threat.

Officer Velasquez recalled,

I see the -- the intersection of 7th Street, at which point, based on the comments of the call, I was -- I was under the impression that suspect was going to be around that area. At which point, I unholstered because I -- I believe that the suspect was going to have the upper hand on us as being so close to the location.⁵³

I pointed at his mid-section...Because the comments of the call, and I reasonably believed that he had a firearm. And to protect myself and my partner and others from what I reasonably believe to be an imminent threat of death, serious bodily injury.⁵⁴

Officer Rios – According to Officer Rios, he stopped the police vehicle and exited as he observed Calloway standing at the corner of 7th Street and San Pedro Street near the market. In fear that Calloway was hiding a handgun in his waistband and could quickly retrieve it to fire at him Officer Rios unholstered his service pistol, held it with his right hand and pointed it at a low ready position towards Calloway.

Officer Rios recalled,

So I unholstered immediately exiting our vehicle when we were attempting to give the suspect commands. Given that there was a -- that I believe that this person – this suspect was running with a firearm tucked in a waistband, I believe that this person could have pulled a firearm at any moment, turned back and fired -- fired upon me.⁵⁵

Because I believe that the suspect -- there was an eminent threat that if the suspect indeed did have a firearm, which was my observation at the time that I believed he had a firearm, at any time he could turn back in my direction and acquire a target and fire at me.⁵⁶

Officer Silos – According to Officer Silos, he observed Calloway run past his police vehicle holding what he believed to be a handgun that had a *wooden handle* and a *long silver barrel*. Shortly after, Officer Silo heard a “pop” sound that Officer Silo believed to be a gunshot. Officer Silo exited his police vehicle and walked towards the rear of the police vehicle. He

⁵³ Officer Velasquez, Page 12, lines 1-6.

⁵⁴ Officer Velasquez, Page 18, Lines 21-25, Page 19, Lines 1-2.

⁵⁵ Officer Rios, Page 34, Lines 14-21.

⁵⁶ Officer Rios, Page 54, Lines 16-21.

observed other officers with their service pistols drawn and observed Calloway on the ground. Officer Silos heard an officer yelling at Calloway to “Drop the gun,” and then Officer Silos drew his service pistol.

Officer Silos recalled,

I got out of the vehicle and then I kind of walked towards the rear of the vehicle and that's when I unholstered.⁵⁷

Because once I got to the rear of the vehicle, that's when I seen the officers pointing the gun and I seen the suspect all -- like all in one vision.⁵⁸

I seen the other officers guns drawn and then I seen the suspect on the ground and then I heard the other officers too, "Drop the gun. Drop the gun," at that point.⁵⁹

Officer Martinez – According to Officer Martinez, she unholstered her service pistol while sitting inside the police vehicle once she observed Calloway running northbound towards her direction and could still see Calloway holding a handgun in his left hand.

Officer Martinez recalled,

I unholstered inside of the vehicle when he got closer to our vehicle as he's running back northbound and I saw the gun again but in his left hand.⁶⁰

So the moment he double backed and starts running towards us, I unholstered my weapon. I kept my finger along the frame and I gave him commands. As soon as I was giving him commands, he was already up by my vehicle passing by.⁶¹

I unholstered because I saw the gun and I -- the tactical situation could lead to -- the tactical situation can lead to where use of deadly force may be justified.⁶²

Officer Bendimez – According to Officer Bendimez, she unholstered her service pistol after the OIS as she was part of the arrest team that took Calloway into custody. Officer Bendimez, believed that Calloway was still a threat.

⁵⁷ Officer Silos, Page 15, Lines 20-22.

⁵⁸ Officer Silos, Page 16, Lines 5-8.

⁵⁹ Officer Silos, Page 18, Lines 8-11.

⁶⁰ Officer Martinez, Page 23, Lines 19-22.

⁶¹ Officer Martinez, Page 6, Lines 22-25, Page 7, Line 1.

⁶² Officer Martinez, Page 23, Lines 25, Page 24, Lines 1-3.

Officer Bendimez recalled,

*And then I saw that the officers were moving towards the subject to possibly take him into custody. So, at that point, I drew -- drew and exhibited my firearm.*⁶³

*I believed that the situation would, the tactical situation would escalate to the use of deadly force, due to the fact that shots had been fired at that time.*⁶⁴

*I unholstered it and held it at a low ready with the two-handed grip just in case I would need to assist in being cover officer for another officer taking the subject into custody.*⁶⁵

Officer Mata – According to Officer Mata, he heard *gun shots* but was not sure if it was Calloway who shot or the officers who shot. Officer Mata ran over to where Officers Rios and Velasquez were standing and observed their service pistols drawn. Believing the tactical situation may escalate, Officer Mata unholstered his service pistol and drew out to a low-ready position in Calloway's general area.

Officer Mata recalled,

*That's as far as I was walking, I was running towards them.*⁶⁶

Officer Mata unholstered *Right when I got like towards the officers.*⁶⁷

Officer Mata heard *shots fired and other officers with their handguns out. They were pointed at the suspect.*

*I didn't know if he had shot or the officers had shot. I just heard some gunshots and I didn't know who had shot.*⁶⁸

*Because I didn't want to the tactical situation you know, may escalate.*⁶⁹

In this case, the UOFRB conducted a thorough evaluation of the reasonableness of Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez's Drawing/Exhibiting.

The UOFRB noted that Officers Rios and Velasquez were responding to a radio call of an armed suspect who was pointing a handgun at passing vehicles. Officers Mata, Bendimez, Silos and Martinez responded and assisted Officers Rios and Velasquez. Officer Velasquez unholstered his service pistol as they approached the area of the radio call due to the comments of the call

⁶³ Officer Bendimez, Page 19, Lines 19-22.

⁶⁴ Officer Bendimez, Page 19, Lines 24-25, Page 20, Lines 1-2.

⁶⁵ Officer Bendimez, Page 21, Lines 13, 16.

⁶⁶ Officer Mata, Page 20, Lines 16-17.

⁶⁷ Officer Mata, Page 20, Lines 13-14.

⁶⁸ Officer Mata, Page 20, Lines 24-25, Page 21, Line 1.

⁶⁹ Officer Mata, Page 21, Lines 6-7.

that the suspect was armed and pointing his handgun in a dangerous manner. Officer Rios drew his service pistol as he believed that Calloway was armed. Officer Mata unholstered his service pistol after he heard a gunshot and ran over to Officers Rios and Velasquez where he observed Officers Rios and Velasquez with their service pistols out. Officer Bendimez unholstered her service pistol after the OIS as they approached Calloway to take him into custody because she believed Calloway was still a threat. Officer Silos observed Calloway run past their police vehicle and believed Calloway was holding a handgun. Officer Silos heard what he believed to be a gunshot. Officer Silos then exited his police vehicle, observed other officers with their service pistols drawn and unholstered his service pistol. Officer Martinez unholstered her service pistol while seated inside the police vehicle once she observed Calloway running northbound towards their direction, holding a handgun in his left hand.

The UOFRB opined, based on the totality of the circumstances, and I concur, that an officer with similar training and experience as Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez, while faced with similar circumstances, would reasonably believe that there was a substantial risk the situation may escalate to the point where deadly force may be justified.

Therefore, I find Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez's Drawing/Exhibiting to be In-Policy, No Further Action.

Use of Force – General

It is the policy of this Department that personnel may use only that force which is "objectively reasonable" to:

- *Defend themselves;*
- *Defend others;*
- *Effect an arrest or detention;*
- *Prevent escape; or,*
- *Overcome resistance*

The Department examines reasonableness using Graham v. Connor and from the articulated facts from the perspective of a Los Angeles Police Officer with similar training and experience placed in generally the same set of circumstances. In determining the appropriate level of force, officers shall evaluate each situation in light of facts and circumstances of each particular case. Those factors may include, but are not limited to:

- *The seriousness of the crime or suspected offense;*
- *The level of threat or resistance presented by the subject;*
- *Whether the subject was posing an immediate threat to officers or a danger to the community;*
- *The potential for injury to citizens, officers or subjects;*
- *The risk or apparent attempt by the subject to escape;*

- *The conduct of the subject being confronted (as reasonably perceived by the officer at the time);*
- *The amount of time and any changing circumstances during which the officer had to determine the type and amount of force that appeared to be reasonable;*
- *The availability of other resources;*
- *The training and experience of the officer;*
- *The proximity or access of weapons to the subject;*
- *Officer versus subject factors such as age, size, relative strength, skill level, injury/exhaustion and number officers versus subjects; and,*
- *The environmental factors and/or other exigent circumstances (Los Angeles Police Department Manual, Volume 1, Section 556.10).*

Lethal Use of Force

Law enforcement officers are authorized to use deadly force to:

- *Protect themselves or others from what is reasonably believed to be an imminent threat of death or serious bodily injury; or,*
- *Prevent a crime where the subject's actions place person(s) in imminent jeopardy of death or serious bodily injury; or,*
- *Prevent the escape of a violent fleeing felon when there is probable cause to believe the escape will pose a significant threat of death or serious bodily injury to the officer or others if apprehension is delayed. In this circumstance, officers shall, to the extent practical, avoid using deadly force that might subject innocent bystanders or hostages to possible death or injury (Los Angeles Police Department Manual, Volume No.1, Section 556.10).*

The reasonableness of an Officer's use of deadly force includes consideration of the officer's tactical conduct and decisions leading up to the use of deadly force (Los Angeles Police Department Manual, Volume No.1, Section 556.10).

Officer Rios – 9mm, one round, in a southwesterly direction from a distance of approximately 54 feet.

According to Rios, as he and Officer Velasquez ran southbound on Crocker Street, they repositioned into the street and observed Calloway make a sudden stop, turn, and then began to run northbound on the sidewalk toward them. As Calloway ran, Officer Rios observed a handgun in Calloway's left hand. Officer Rios described the handgun as a revolver with a *shiny, metallic-like barrel*. Officer Rios told Officer Velasquez that "he has a gun." According to Officer Rios, due to Calloway quickly changing directions towards him, he was unable to redeploy to cover and did not want to turn his back towards Calloway. Officer Rios could not recall any available cover in the immediate area. Officer Rios observed Calloway quickly closing the distance on him. Officer Rios gave Calloway commands to stop. Calloway did not

respond to this order. In fear for his life, Officer Rios fired one round at Calloway's center body mass.

Officer Rios recalled,

I see a firearm in his left hand.⁷⁰

I know it was -- it was a shiny, metallic-like barrel. Don't know the exact color. It appeared to be a revolver just because of the cylinder. That was confirmed -- yes, sir. That's what I observed at the time.⁷¹

Because he suddenly turned in my direction. There was nowhere for me to redeploy without me turning my back to this -- even then there wouldn't be anywhere to get cover. There was no -- from my memory right now, that there was no vehicles around or any hard barriers I could use for cover.⁷²

So there's street lights -- the florescent street lights that are on at night. I was able to see more detail of the firearm as he got underneath the lights. I believe that was the point where I verbalized to my partner that he has a gun.⁷³

He closed the distance pretty quickly. He went from five to six to maybe two to three approximate (Car lengths).⁷⁴

And he was closing distance pretty quickly with the firearm in his hand, and I told him -- I gave him commands to stop, and he did not stop.⁷⁵

So I'm describing the angle of the firearm in his hand right now. It appears that it's like mid-waist and coming up, and then that's when I fired my weapon.⁷⁶

And prior to shooting, I was at a low ready. And when I believe my light was -- my life was in eminent threat, that's when I placed my sights in the center mass of the suspect and fired one round.⁷⁷

I believe that he was going to use a firearm on me. And I don't think there was anything else I could have done.⁷⁸

⁷⁰ Officer Rios, Page 41, Lines 15-16.

⁷¹ Officer Rios, Page 41, Lines 19-23.

⁷² Officer Rios, Page 43, Lines 4-10.

⁷³ Officer Rios, Page 44, Lines 15-20.

⁷⁴ Officer Rios, Page 43, Lines 17-19.

⁷⁵ Officer Rios, Page 43, Lines 23-25, Page 44, Line 1.

⁷⁶ Officer Rios, Page 44, Lines 8-11.

⁷⁷ Officer Rios, Page 48, Lines 1-5.

⁷⁸ Officer Rios, Page 70, Lines 5-7.

*And I observed that he had fallen to the ground. Believing that he was struck and the threat was stopped, I didn't fire any additional rounds.*⁷⁹

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer Rios's use of lethal force. The UOFRB noted that the incident was a stressful situation wherein the officers were attempting to detain an assault with a deadly weapon suspect (Calloway) who was armed with a handgun. The UOFRB noted that this was a dynamic and rapidly unfolding incident where Calloway initially ran away from officers. Calloway, however, stopped, turned, and began to run towards the officers which limited their option to redeploy and de-escalate. As Calloway continued to run towards Officer Rios, he was able to identify that Calloway was holding a handgun. Officer Rios gave verbal commands for Calloway to stop and Calloway did not comply. Despite verbal commands from Officer Rios, Calloway continued running towards Officer Rios and Officer Velasquez. Officer Rios was in fear for his life, as well as the life of Officer Velasquez, who stood next to him. After firing his initial round, Officer Rios assessed that Calloway had fallen to the ground and was no longer a threat. The UOFRB opined that Officer Rios was presented with an imminent and deadly threat after being engaged in a foot pursuit. As Calloway ran towards the officers holding a handgun, Calloway presented an immediate and substantial threat to Officers Rios and Velasquez.

Background – Officer Rios: The UOFRB discussed officers' need to continually assess the background within the context of a tactical incident while weighing the life-threatening risks to the victims, officers, bystanders, and suspects. Officer Rios is reminded to be cognizant of his background during tactical encounters which may result in the use of deadly force and have the potential to harm community members in the area. I would have preferred Officer Rios had communicated with the uninvolved individual regarding the hazard presented by remaining in the area of Calloway.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Rios would reasonably believe Calloway's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable. Therefore, I find Officer Rios' use of lethal force to be In Policy, No Further Action.

Officer Velasquez – 9mm, one round, in a southwesterly direction from a distance of approximately 44 feet.

According to Officer Velasquez, Calloway suddenly stopped running southbound on Crocker Street and ran northbound on the sidewalk towards their direction. As Calloway ran, Officer Velasquez observed a white metal revolver in Calloway's right hand. Officer Velasquez gave Calloway commands to "Get on the fucking floor," which Calloway did not respond to. As Calloway closed the distance, Officer Velasquez observed Calloway raise up his right arm and pointed the handgun in his direction. Officer Velasquez then heard a single shot which Officer

⁷⁹ Officer Rios, Page 45, Lines 19-22.

Velasquez believed was a shot from Calloway at him. In fear for his life, Officer Velasquez fired one round at Calloway.

Officer Velasquez recalled,

I observe a metal -- a white metal revolver in his right hand. The suspect is -- is running, and with the revolver in his right hand, actually points it towards me and my partner. At which point, I just, I start to -- to think that I might not see my family no more, because he's closing the distance. I don't even have time to basically give him any commands. And then I see him -- I just see just his gun facing at me, and I -- and I hear him shoot. At which point, fearing for my life and safety of myself and my partner, I shoot back at him. Then I see a suspect collapse to the ground.⁸⁰

At first, he was running, swinging his arms. When he is getting closer towards the building that I mentioned is when he's -- his arm is straight out, aiming the revolver.⁸¹ A 90-degree angle, aiming it towards what I thought was me. And shortly after is when I thought he shot at me.⁸²

In this case, the UOFRB conducted a thorough review of the investigation and considered several factors in evaluating the reasonableness of Officer Velasquez's use of lethal force. The UOFRB noted that the incident was a stressful situation wherein the officers were attempting to detain an assault with a deadly weapon suspect (Calloway) that was armed with a handgun. The UOFRB noted that this was a dynamic and rapidly unfolding incident where Calloway initially ran away from officers, however, Calloway stopped, turned, and began to run towards officers, which limited their option to redeploy and de-escalate. As Calloway continued to run towards Officer Velasquez, he was able to identify that Calloway was holding a handgun. Officer Velasquez gave verbal commands for Calloway to stop. Calloway continued running towards Officer Velasquez and showed no signs of stopping. Calloway raised his handgun towards Officer Velasquez and Velasquez' statements indicated he thought Calloway had discharged a round towards the officers. In response to Officer Velasquez' belief that Calloway presented a deadly threat, Officer Velasquez discharged one round from his service pistol, assessed that Calloway had fallen to the ground, and determined that Calloway was no longer a threat.

Background – Officer Velasquez: The UOFRB discussed officers' need to continually assess the background within the context of a tactical incident while weighing the life-threatening risks to the victims, officers, bystanders, and suspects. Officer Velasquez is reminded to be cognizant of his background during tactical encounters which may result in the use of deadly force and have the potential to harm community members in the area. I would have preferred Officer Velasquez had communicated with the uninvolved individual regarding the hazard presented by remaining in the area of Calloway.

⁸⁰ Officer Velasquez, Page 14, Lines 5-17.

⁸¹ Officer Velasquez, Page 33, Lines 13-16.

⁸² Officer Velasquez, Page 33, Line 25, Page 34, Lines 1-2.

Based on the totality of the circumstances, the UOFRB determined, and I concur, that an officer with similar training and experience as Officer Velasquez, would reasonably believe Calloway's actions presented an imminent threat of death or serious bodily injury and that the use of lethal force would be objectively reasonable. Therefore, I find Officer Velasquez's use of lethal force to be In Policy, No Further Action.

Additional/Equipment

Digital In-Car Video System (DICVS) – Officers Rios, Velasquez, Mata, Bendimez, Silos and Martinez's police vehicles were equipped with DICVS; however, their DICVS for this incident were not activated. This issue was brought to the attention of Captain R. Goddard, Serial No. 32757, Commanding Officer, Newton Patrol Division, who advised these deviations were addressed with Officers Rios, Mata, Bendimez, Silos and Martinez's through the generation of a Supervisory Action Item (SAI) and an Informal Meeting and with Officers Velasquez, through the generation of SAIs and the issuance of Notice to Correct Deficiencies. The Commanding Officer of Operations-Central Bureau (OCB) and the Director of Office of Operations (OO) concurred with this action. As such, I deem no further action is necessary.

Body Worn Video (BWV) Activations – The investigation revealed that Officers Velasquez, Mata, Bendimez, Silos, Martinez, Sosa, Pimentel, Vildosola, Ruiz and Sergeant Aguirre had deviations of their BWV.

Officers Velasquez, Sosa, and Ruiz had reduced buffers and/or a late activation. These issues were brought to the attention of Captain Goddard who advised that these deviations were addressed through the generation of SAIs and the issuance of Employee Comment Sheets. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officers Mata, Bendimez, Silos, Martinez, and Vildosola had reduced buffers and/or a late activation. These issues were brought to the attention of Captain Goddard who advised that these deviations were addressed through the generation of SAIs and an Informal Meeting. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Pimentel did not activate his BWV device. This issue was brought to the attention of Captain Goddard who advised that this deviation was addressed through the generation of a SAI and the issuance of an Employee Comment Sheet. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Sergeant Aguirre did not activate his BWV device. This issue was brought to the attention of Captain Goddard who advised that this deviation was addressed through the generation of a SAI and Informal meeting. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

The Office of Operations conducted a random inspection of BWVs associated to Officers Velasquez, Mata, Bendimez, Silos, Martinez, Sosa, Pimentel, Vildosola, Ruiz and Sergeant Aguirre for a 30-day period for compliance with BWV policy specific to complete recordings of investigative or enforcement contacts with the public. The results of the inspection indicated that all personnel were in compliance.

Communications Division Radio Broadcast Protocols – CD received a 911 call where the caller stated that a *male, Black was pointing a revolver at passersby and was waving the handgun in the air.* Police Service Representative (PSR) O. Nunez, Serial No. N4445, CD, coded the call for service as a “Code Two” radio call, when it should have been a “Code Three” radio call.

This information was brought to the attention of Captain Storaker, who advised that this issue was addressed through the issuance of an Employee Comment Sheet and that PSR Nunez will be directed to attend a refresher class that will be held by the Officer in Charge (OIC) of CD’s Training Unit. The Commanding Officer of Administrative Services Bureau (ASB) and the Director of the Office of Support Services (OSB) concurred with this action. As such, I deem no further action is necessary.

Required Equipment – Officer Silos left his side-handle baton in the vehicle at the time of the incident. This issue was brought to the attention of Captain Goddard who advised that this issue was addressed through the issuance of an Employee Comment Sheet and the generation of a Supervisor Action Item. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Martinez left her side-handle baton and her Hobble Restraint Device in the vehicle at the time of the incident. This issue was brought to the attention of Captain Goddard, who advised that this issue was addressed with Officer Martinez through the issuance of an Employee Comment Sheet and the generation of a Supervisory Action Item. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Profanity – Officers Velasquez utilized profanity when giving orders for Calloway to get on the ground as he ran towards them. Officer Silos utilized profanity while Calloway was being taken into custody. This issue was brought to the attention of Captain Goddard who advised that this issue was addressed with Officer Velasquez through the issuance of an Employee Comment Sheet and a Supervisory Action Item. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Officer Silos utilized profanity while Calloway was being taken into custody. This issue was brought to the attention of Captain Goddard who advised that this issue was addressed with Officer Silos through the issuance of an Employee Comment Sheet and a Supervisory Action Item. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Adherence to the Vehicle Code while Responding to a Help Call without Emergency Equipment – Officers Vildosola and Ruiz responded to the incident in their police vehicle without their emergency equipment activated. DICVS footage from their police vehicle recorded the police vehicle traveling through an unidentified intersection during the red tri-light phase as they responded to the incident. This issue was brought to the attention of Captain Goddard who advised that this issue was addressed through informal training and the generation of a Supervisory Action Item. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Incident Commander Declaration – Sergeant Lobo assumed the role as Incident Commander but did not broadcast that information. This issue was brought to the attention of Captain Goddard who advised that this issue would be addressed through divisional training. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

Recording Public Safety Statement – Sergeant Lobo recorded a portion of Officer Velasquez' PSS on BWV. This issue was brought to the attention of Captain Goddard who advised that the issue of partially recording the PSS was addressed through divisional training. The Commanding Officer of OCB and the Director of OO concurred with this action. As such, I deem no further action is necessary.

DOC Notification – Captain H. Mohammadi, Serial No. 36506, Commanding Officer, Newton Patrol Division, made a late notification to the DOC which exceeded the 30-minute DOC notification requirements. This issue was brought to the attention of Commander M. Rimkunas, Serial No. 32211, Office of Operations. Commander Rimkunas advised this issue will be addressed with informal counseling. As such, I deem no further action is necessary.

Audio/Video Recordings

Digital In-Car Video System (DICVS)

Following this incident, there were 30 units that responded to the scene from Newton, Central and Hollenbeck Divisions. The DICV footage from these units captured their response to the "help call" and crime scene activity (post-OIS).

Body Worn Video (BWV)

All of the officers involved in this incident were equipped with BWV cameras.

Officer Rios activated his BWV camera when he exited his vehicle. The footage captured portions of Calloway's actions as well as Officer Rios' movements and audio during the OIS.

Officer Velasquez activated his BWV after the OIS. Although he was delayed in his activation, his BWV footage captured portions of Calloway's actions as well as Officer Velasquez' movements without audio.

Officers Mata, Bendimez, Silos and Martinez were delayed in the activation of their BWV. Footage from their BWV captured their movements and actions after the OIS.

Outside Video/Surveillance

There was a total of 12 outside videos obtained related to this incident, all of which were reviewed in their entirety by FID investigators.

Five security videos captured portions of Calloway's actions at 1242 East 7th Street where the radio call originated. Those video cameras were mounted on the interior and exterior of the apartment complex. The video system was a continuous recording camera and did not include sound.

Seven security videos were located that captured portions of the incident near the area of the OIS. Those cameras were mounted to various businesses and did not include sound. Those video systems were continuous recording cameras.

Respectfully,



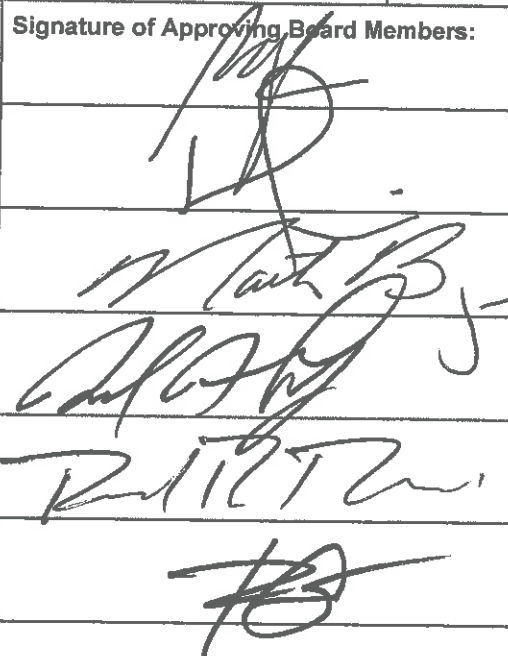
MICHEL R. MOORE
Chief of Police


Date: 10-1-20

LOS ANGELES POLICE DEPARTMENT
 USE OF FORCE REVIEW BOARD REPORT

INC No. 056-19	CF No.	DR No.
SHOOTING		

REVIEW BOARD INFORMATION

Location of Incident 717 Crocker Street	RD 1307	Date of Incident December 01, 2019	Date and Time of Board Review August 31, 2020 0930 Hours
Chair Assistant Chief B. Girmala, Serial No. 24916	Signature of Approving Board Members: 		
Member (Office Representative) Commander M. Rimkunas, Serial No. 32211			
Member (Police Sciences and Training Bureau) Deputy Chief M. Baeza, Serial No. 26624			
Member (Bureau) Commander D. Graham, Serial No. 32365			
Member (Peer) Officer R. Namysl, Serial No. 38199			
Presenting Commanding Officer Captain R. Goddard, Serial No. 32757			
Notes:			
Additional Considerations:			
Modification to Present Policy, Practices or Training:			
RECEIVED POLICE COMMISSION 2020 OCT - 1 PM 3:52			
■ COP Date Signed: <u>10/1/20</u> ■ PC Date Submitted: <u>10/1/20</u>			

Employee (Last Name, First, Middle) Rios, Manuel		Serial No. 42557	Rank/Class Police Officer II	Incident No. 056-19
Length of Employment 3 years, 6 months		Current Division Newton	Time in Current Division 1 year, 6 months	
Use of Force Review Board		Chief of Police	Police Commission	
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval		Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval	
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)		Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)		Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	
Notes: PELLON 42082  3/28/09				
Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint		Notes:		
<input type="checkbox"/> Employee's Work History Reviewed				

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Velasquez, Franco	Serial No. 42563	Rank/Class Police Officer II	Incident No. 056-19
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Length of Employment 3 years, 6 months	Current Division Newton	Time in Current Division 1 year, 6 months
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: *PELLON 42002*

[Signature] #32009

Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint	Notes:
<input type="checkbox"/> Employee's Work History Reviewed	

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Martinez, Johanna	Serial No. 42439	Rank/Class Police Officer II	Incident No. 056-19
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Length of Employment 3 years, 9 months	Current Division Pacific	Time in Current Division 0 years, 10 months
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: *PELLON 42002*

[Signature] 3/15/09

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining

Notice to Correct Deficiencies

Personnel Complaint

Employee's Work History Reviewed


Notes:

***A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.**

Employee (Last Name, First, Middle) Silos, Steven	Serial No. 42869	Rank/Class Police Officer II	Incident No. 056-19
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Length of Employment 3 years, 7 months	Current Division Newton	Time in Current Division 1 year, 1 month
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: PELLON 42082  #32869

Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed	Notes:
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*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Bendimez, Kim	Serial No. 41901	Rank/Class Police Officer II	Incident No. 056-19
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Length of Employment 4 years, 10 months	Current Division Newton	Time in Current Division 1 year, 10 months
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: *PELLON 42082* *James 32529*

Final Adjudication for Out of Policy/ Administrative Disapproval Finding <input type="checkbox"/> Extensive Retraining <input type="checkbox"/> Notice to Correct Deficiencies <input type="checkbox"/> Personnel Complaint <input type="checkbox"/> Employee's Work History Reviewed	Notes:
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*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.

Employee (Last Name, First, Middle) Mata, Juan	Serial No. 40829	Rank/Class Police Officer II	Incident No. 056-19
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Length of Employment 8 years, 4 months	Current Division Newton	Time in Current Division 3 years, 6 months
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Use of Force Review Board	Chief of Police	Police Commission
Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input checked="" type="checkbox"/> Administrative Disapproval	Tactics <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Tactical Debrief <input type="checkbox"/> Administrative Disapproval
Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input checked="" type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Drawing and Exhibiting the Firearm <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Less-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Non-Lethal Use of Force <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)
Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)	Unintentional Discharge <input type="checkbox"/> Does Not Apply <input type="checkbox"/> Accidental <input type="checkbox"/> Negligent (Administrative Disapproval)
Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input checked="" type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)	Other Issues <input type="checkbox"/> Does Not Apply <input type="checkbox"/> In Policy (No Further Action) <input type="checkbox"/> Out of Policy (Administrative Disapproval)

Notes: PELLON 42082

S. Jones 4/23/2009

**Final Adjudication for Out of Policy/
Administrative Disapproval Finding**

Extensive Retraining
 Notice to Correct Deficiencies
 Personnel Complaint
 Employee's Work History Reviewed

Notes:

*A Tactical Debrief shall be conducted for all Categorical Use of Force Incidents.